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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Civil Case No.: 3:16-CV-01030-WHA

ETOPIA EVANS, *et al.*,

Plaintiffs,

v.

ARIZONA CARDINALS FOOTBALL CLUB,
LLC, *et al.*,

Defendants.

**DEFENDANTS' ANSWER TO
PLAINTIFFS' SECOND AMENDED
COMPLAINT**

JURY TRIAL DEMANDED

1 Defendants PDB Sports, Ltd. (“Broncos”), Green Bay Packers, Inc. (“Packers”), and Chargers
2 Football Company, LLC (“Chargers”) (collectively, “Defendants”)* by and through counsel, hereby
3 respond to Plaintiffs’ Second Amended Complaint (“SAC”), as follows:

4 ***NATURE OF THE ACTION***

5 1. Paragraph 1 relates only to allegations regarding claims that have been dismissed by the
6 Court. Accordingly, no response is required. To the extent that any response is deemed required,
7 Defendants admit that extensive document discovery has taken place. Defendants further admit that
8 Plaintiffs have deposed the identified individuals. Defendants otherwise deny the allegations in
9 Paragraph 1.

10 2. Paragraph 2 relates only to allegations regarding claims that have been dismissed by the
11 Court. Accordingly, no response is required. To the extent that any response is deemed required,
12 Defendants admit that a document with the title described in Paragraph 2 was produced by Dr. Brown
13 during the course of this litigation and otherwise deny the allegations of Paragraph 2.

14 3. Paragraph 3 relates only to allegations regarding claims that have been dismissed by the
15 Court. Accordingly, no response is required. To the extent that any response is deemed required,
16 Defendants admit that a document with the title described in Paragraph 2 was produced in this litigation
17 and refer Plaintiffs to that document, which (in its full form) speaks for itself. Defendants otherwise are
18 without knowledge or information sufficient to form a belief as to the allegations of Paragraph 3 and, on
19 that basis, deny those allegations.

20 4. Defendants admit that Plaintiffs made the allegations contained in Paragraph 4 in their
21 original Complaint and otherwise deny the allegations of Paragraph 4.

22 5. Paragraph 5 relates only to allegations regarding claims that have been dismissed by the
23 Court. Accordingly, no response is required. To the extent that any response is deemed required,
24 Defendants admit that a document with the title described in Paragraph 2 was produced in discovery in
25

26 * The Broncos, Packers, and Chargers each respond to the SAC only on its own respective behalf. No
27 answers herein should be interpreted as intending or purporting to respond on behalf of any of the
28 twenty-nine Defendants dismissed with prejudice by the Court. (See Dkt. # 224 at 14.)

1 this litigation and refer Plaintiffs to that document, which (in its full form) speaks for itself. Defendants
2 otherwise deny the allegations of Paragraph 5. Footnote 1 is a statement of opinion and personal belief
3 of Plaintiffs' counsel to which no response is required. To the extent that any response is deemed
4 required, Defendants deny the allegations of Footnote 1.

5 6. Paragraph 6 relates only to allegations regarding claims that have been dismissed by the
6 Court. Accordingly, no response is required. To the extent that any response is deemed required,
7 Defendants admit that Plaintiffs made the allegations contained in Paragraph 6 in their original
8 Complaint and otherwise deny the allegations of Paragraph 6.

9 7. Paragraph 7 relates only to allegations regarding claims that have been dismissed by the
10 Court. Accordingly, no response is required. To the extent that any response is deemed required,
11 Defendants admit that a document with the title described in Paragraph 2 was produced in this litigation
12 and refer Plaintiffs to that document, which (in its full form) speaks for itself. Defendants otherwise
13 deny the allegations of Paragraph 7.

14 8. Paragraph 8 relates only to allegations regarding claims that have been dismissed by the
15 Court. Accordingly, no response is required. In addition, Paragraph 8 contains a statement of opinion
16 and a purely rhetorical purported "standing invitation" as to which no response is required. To the extent
17 that any response is deemed required, Defendants deny the allegations of Paragraph 8.

18 9. Insofar as Paragraph 9 relates to allegations regarding claims that have been dismissed by
19 the Court, no response is required. Insofar as Paragraph 9 asserts legal conclusions and statements of
20 opinion, no response is required. To the extent that any response is deemed required, Defendants deny
21 the allegations of Paragraph 9.

22 10. Paragraph 10 relates only to allegations regarding claims that have been dismissed by the
23 Court. Accordingly, no response is required. Moreover, the first sentence of Paragraph 10 asserts a legal
24 conclusion as to which no response is required. To the extent that any response is deemed required,
25 Defendants deny the allegations of Paragraph 10.

26 11. Insofar as Paragraph 11 relates to claims and parties that have been dismissed by the
27 Court, no response is required. To the extent that any response is deemed required, Defendants admit
28 that while the Second Amended Complaint purports to bring intentional misrepresentation and

1 concealment claims against all Defendants, Plaintiffs' subsequently averred that intentional
2 misrepresentation claims were pled only against 18 Defendants (*see* Dkt. # 224 at 9–10), and this Court
3 subsequently dismissed all claims other than Walker's intentional misrepresentation claim against the
4 Chargers related to an ankle injury and Carreker's intentional misrepresentation claim against the
5 Broncos and Packers related treatment for an inflammation of his chest cavity. Defendants otherwise
6 deny the allegations of Paragraph 11.

7 12. Paragraph 12 asserts legal conclusions to which no response is required. To the extent
8 that any response is deemed required, Defendants admit that this Court has subject-matter jurisdiction
9 over this case and otherwise deny the allegations of Paragraph 12.

10 13. Defendants admit the allegations of the first sentence of Paragraph 13. Otherwise,
11 Paragraph 13 asserts legal conclusions to which no response is required. To the extent that any response
12 is deemed required, Defendants do not dispute that this Court has personal jurisdiction over them for the
13 purposes of this case. Defendants otherwise deny the allegations of Paragraph 13.

14 14. Paragraph 14 asserts a legal conclusion to which no response is required. To the extent
15 that a response is required, Defendants admit that venue is proper in this Court and otherwise deny the
16 allegations of Paragraph 14.

17 15. Defendants deny the allegations of Paragraph 15.

18 16. Paragraph 16 relates only to allegations regarding claims that have been dismissed by the
19 Court. Accordingly, no response is required. To the extent that any response is deemed required,
20 Defendants: are without information sufficient to form a belief as the relationship among Ms. Evans, Mr.
21 Evans, and the Estate of Mr. Evans, or the residency status of Ms. Evans or of Mr. Evans at the time of
22 his death and, on that basis, deny those allegations; deny that Mr. Evans is a representative member of
23 the putative class; and admit the allegations of the last sentence of Paragraph 16.

24 17. Paragraph 17 relates only to allegations regarding claims that have been dismissed by the
25 Court. Accordingly, no response is required. To the extent that any response is deemed required,
26 Defendants deny the allegations of Paragraph 17.

27 18. Paragraph 18 relates only to allegations regarding claims that have been dismissed by the
28 Court. Accordingly, no response is required. To the extent that any response is deemed required,

1 Defendants: deny that Mr. King is a representative member of the putative class; are without knowledge
2 or information sufficient to form a belief as to his residency status and, on that basis, deny that
3 allegation; and admit the allegations of the last sentence of Paragraph 18.

4 19. Paragraph 19 relates only to allegations regarding claims that have been dismissed by the
5 Court. Accordingly, no response is required. To the extent that any response is deemed required,
6 Defendants deny the allegations of Paragraph 19.

7 20. Paragraph 20 relates only to allegations regarding claims that have been dismissed by the
8 Court. Accordingly, no response is required. To the extent that any response is deemed required,
9 Defendants: deny that Mr. Massey is a representative member of the putative class; are without
10 knowledge or information sufficient to form a belief as to his residency status and, on that basis, deny
11 that allegation; and admit the allegations of the last sentence of Paragraph 20.

12 21. Paragraph 21 relates only to allegations regarding claims that have been dismissed by the
13 Court. Accordingly, no response is required. To the extent that any response is deemed required,
14 Defendants deny the allegations of Paragraph 21.

15 22. Paragraph 22 relates only to allegations regarding claims that have been dismissed by the
16 Court. Accordingly, no response is required. To the extent that any response is deemed required,
17 Defendants: deny that Mr. Sadowski is a representative member of the putative class; are without
18 knowledge or information sufficient to form a belief as to his residency status and, on that basis, deny
19 that allegation; and admit the allegations of the last sentence of Paragraph 22.

20 23. Paragraph 23 relates only to allegations regarding claims that have been dismissed by the
21 Court. Accordingly, no response is required. To the extent that any response is deemed required,
22 Defendants deny the allegations of Paragraph 23.

23 24. Paragraph 24 relates only to allegations regarding claims that have been dismissed by the
24 Court. Accordingly, no response is required. To the extent that any response is deemed required,
25 Defendants: deny that Mr. Goode is a representative member of the putative class; are without
26 knowledge or information sufficient to form a belief as to his residency status and, on that basis, deny
27 that allegation; and admit the allegations of the last sentence of Paragraph 24.

1 25. Paragraph 25 relates only to allegations regarding claims that have been dismissed by the
2 Court. Accordingly, no response is required. To the extent that any response is deemed required,
3 Defendants deny the allegations of Paragraph 25.

4 26. Paragraph 26 relates only to allegations regarding claims that have been dismissed by the
5 Court. Accordingly, no response is required. To the extent that any response is deemed required,
6 Defendants: deny that Mr. Ashmore is a representative member of the putative class; are without
7 knowledge or information sufficient to form a belief as to his residency status and, on that basis, deny
8 that allegation; and admit the allegations of the last sentence of Paragraph 26.

9 27. Paragraph 27 relates only to allegations regarding claims that have been dismissed by the
10 Court. Accordingly, no response is required. To the extent that any response is deemed required,
11 Defendants deny the allegations of Paragraph 27.

12 28. Paragraph 28 relates only to allegations regarding claims that have been dismissed by the
13 Court. Accordingly, no response is required. To the extent that any response is deemed required,
14 Defendants: deny that Mr. Wunsch is a representative member of the putative class; are without
15 knowledge or information sufficient to form a belief as to his residency status and, on that basis, deny
16 that allegation; and admit the allegations of the last sentence of Paragraph 28.

17 29. Paragraph 29 relates only to allegations regarding claims that have been dismissed by the
18 Court. Accordingly, no response is required. To the extent that any response is deemed required,
19 Defendants deny the allegations of Paragraph 29.

20 30. The first sentence of Paragraph 30 is a legal conclusion to which no response is required.
21 To the extent that a response is required, Defendants deny the allegations of the first sentence of
22 Paragraph 30. Defendants are without knowledge or information sufficient to form a belief as to the
23 allegations of the second sentence of Paragraph 30 and, on that basis, deny that allegation. Defendants
24 admit the allegations of the last sentence of Paragraph 30.

25 31. Insofar as Paragraph 31 relates to allegations regarding claims that have been dismissed
26 by the Court, no response is required. To the extent that any response is deemed required, Defendants
27 deny the allegations of Paragraph 31.
28

1 32. Paragraph 32 relates only to allegations regarding claims that have been dismissed by the
2 Court. Accordingly, no response is required. To the extent that any response is deemed required,
3 Defendants: deny that Mr. Lofton is a representative member of the putative class; are without
4 knowledge or information sufficient to form a belief as to his residency status and, on that basis, deny
5 that allegation; and admit the allegations of the last sentence of Paragraph 32.

6 33. Paragraph 33 relates only to allegations regarding claims that have been dismissed by the
7 Court. Accordingly, no response is required. To the extent that any response is deemed required,
8 Defendants deny the allegations of Paragraph 33.

9 34. Paragraph 34 relates only to allegations regarding claims that have been dismissed by the
10 Court. Accordingly, no response is required. To the extent that any response is deemed required,
11 Defendants: deny that Mr. Harris is a representative member of the putative class; are without
12 knowledge or information sufficient to form a belief as to his residency status and, on that basis, deny
13 that allegation; and admit the allegations of the last sentence of Paragraph 34.

14 35. Paragraph 35 relates only to allegations regarding claims that have been dismissed by the
15 Court. Accordingly, no response is required. To the extent that any response is deemed required,
16 Defendants deny the allegations of Paragraph 35.

17 36. Paragraph 36 relates only to allegations regarding claims that have been dismissed by the
18 Court. Accordingly, no response is required. To the extent that any response is deemed required,
19 Defendants: deny that Mr. Graham is a representative member of the putative class; are without
20 knowledge or information sufficient to form a belief as to his residency status and, on that basis, deny
21 that allegation; and admit the allegations of the last sentence of Paragraph 36.

22 37. Paragraph 37 relates only to allegations regarding claims that have been dismissed by the
23 Court. Accordingly, no response is required. To the extent that any response is deemed required,
24 Defendants deny the allegations of Paragraph 37.

25 38. Paragraph 38 relates only to allegations regarding claims that have been dismissed by the
26 Court. Accordingly, no response is required. To the extent that any response is deemed required,
27 Defendants: deny that Mr. Killings is a representative member of the putative class; are without
28

1 knowledge or information sufficient to form a belief as to his residency status and, on that basis, deny
2 that allegation; and admit the allegations of the last sentence of Paragraph 38.

3 39. Paragraph 39 relates only to allegations regarding claims that have been dismissed by the
4 Court. Accordingly, no response is required. To the extent that any response is deemed required,
5 Defendants deny the allegations of Paragraph 39.

6 40. The first sentence of Paragraph 40 is a legal conclusion to which no response is required.
7 To the extent that a response is required, Defendants deny the allegations of the first sentence of
8 Paragraph 40. Defendants are without knowledge or information sufficient to form a belief as to the
9 truth of the allegation in the second sentence of Paragraph 40 and, on that basis, deny that allegation.
10 Defendants admit the allegations of the last sentence of Paragraph 40.

11 41. Insofar as Paragraph 41 relates to allegations regarding claims that have been dismissed
12 by the Court, no response is required. To the extent that any response is deemed required, Defendants
13 deny the allegations of Paragraph 41.

14 42. Insofar as Paragraph 42 pertains to plaintiffs who have been dismissed from the case, no
15 response is required. To the extent that any response is deemed required, Defendants admit that
16 Plaintiffs attach a document titled Exhibit A to their Second Amended Complaint that identifies the NFL
17 regular and postseason games in which Plaintiffs Carreker and Walker and played otherwise deny the
18 allegations of Paragraph 42.

19 43. Paragraph 43 relates only to allegations regarding claims that have been dismissed by the
20 Court. Accordingly, no response is required. To the extent that any response is deemed required,
21 Defendants admit that the Cardinals is a member club of the NFL and otherwise deny the allegations of
22 Paragraph 43.

23 44. Paragraph 44 relates only to allegations regarding claims that have been dismissed by the
24 Court. Accordingly, no response is required. To the extent that any response is deemed required,
25 Defendants admit that the Falcons is a member club of the NFL and otherwise deny the allegations of
26 Paragraph 44.

27 45. Paragraph 45 relates only to allegations regarding claims that have been dismissed by the
28 Court. Accordingly, no response is required. To the extent that any response is deemed required,

1 Defendants admit that the Ravens is a member club of the NFL and otherwise deny the allegations of
2 Paragraph 45.

3 46. Paragraph 46 relates only to allegations regarding claims that have been dismissed by the
4 Court. Accordingly, no response is required. To the extent that any response is deemed required,
5 Defendants admit that Buffalo Bills, LLC (not Buffalo Bills, Inc.), is a member club of the NFL and
6 otherwise deny the allegations of Paragraph 46.

7 47. Paragraph 47 relates only to allegations regarding claims that have been dismissed by the
8 Court. Accordingly, no response is required. To the extent that any response is deemed required,
9 Defendants admit that the Panthers is a member club of the NFL and otherwise deny the allegations of
10 Paragraph 47.

11 48. Paragraph 48 relates only to allegations regarding claims that have been dismissed by the
12 Court. Accordingly, no response is required. To the extent that any response is deemed required,
13 Defendants admit that the Bears is a member club of the NFL and otherwise deny the allegations of
14 Paragraph 48.

15 49. Paragraph 49 relates only to allegations regarding claims that have been dismissed by the
16 Court. Accordingly, no response is required. To the extent that any response is deemed required,
17 Defendants admit that the Bengals is a member club of the NFL and otherwise deny the allegations of
18 Paragraph 49.

19 50. Paragraph 50 relates only to allegations regarding claims that have been dismissed by the
20 Court. Accordingly, no response is required. To the extent that any response is deemed required,
21 Defendants admit that the Browns is a member club of the NFL and otherwise deny the allegations of
22 Paragraph 50.

23 51. Paragraph 51 relates only to allegations regarding claims that have been dismissed by the
24 Court. Accordingly, no response is required. To the extent that any response is deemed required,
25 Defendants admit that the Cowboys is a member club of the NFL and otherwise deny the allegations of
26 Paragraph 51.

27 52. Defendants admit that the Broncos is a member club of the NFL and otherwise deny the
28 allegations of Paragraph 52.

53. Paragraph 53 relates only to allegations regarding claims that have been dismissed by the Court. Accordingly, no response is required. To the extent that any response is deemed required, Defendants admit that the Lions is a member club of the NFL and otherwise deny the allegations of Paragraph 53.

54. Defendants admit that the Packers is a member club of the NFL and otherwise deny the allegations of Paragraph 54.

55. Paragraph 55 relates only to allegations regarding claims that have been dismissed by the Court. Accordingly, no response is required. To the extent that any response is deemed required, Defendants admit that Houston NFL Holdings, L.P. (not Houston Holdings LP) is a member club of the NFL and otherwise deny the allegations of Paragraph 55.

56. Paragraph 56 relates only to allegations regarding claims that have been dismissed by the Court. Accordingly, no response is required. To the extent that any response is deemed required, Defendants admit that the Colts is a member club of the NFL and otherwise deny the allegations of Paragraph 56.

57. Paragraph 57 relates only to allegations regarding claims that have been dismissed by the Court. Accordingly, no response is required. To the extent that any response is deemed required, Defendants admit that the Jaguars is a member club of the NFL and otherwise deny the allegations of Paragraph 57.

58. Paragraph 58 relates only to allegations regarding claims that have been dismissed by the Court. Accordingly, no response is required. To the extent that any response is deemed required, Defendants admit that the Chiefs is a member club of the NFL and otherwise deny the allegations of Paragraph 58.

59. Paragraph 59 relates only to allegations regarding claims that have been dismissed by the Court. Accordingly, no response is required. To the extent that any response is deemed required, Defendants admit that the Dolphins is a member club of the NFL and otherwise deny the allegations of Paragraph 59.

60. Paragraph 60 relates only to allegations regarding claims that have been dismissed by the Court. Accordingly, no response is required. To the extent that any response is deemed required,

1 Defendants admit that Minnesota Vikings Football, LLC (not Minnesota Vikings Football Club, LLC) is
2 a member club of the NFL and otherwise deny the allegations of Paragraph 60.

3 61. Paragraph 61 relates only to allegations regarding claims that have been dismissed by the
4 Court. Accordingly, no response is required. To the extent that any response is deemed required,
5 Defendants admit that the Patriots is a member club of the NFL and otherwise deny the allegations of
6 Paragraph 61.

7 62. Paragraph 62 relates only to allegations regarding claims that have been dismissed by the
8 Court. Accordingly, no response is required. To the extent that any response is deemed required,
9 Defendants admit that the Saints is a member club of the NFL and otherwise deny the allegations of
10 Paragraph 62.

11 63. Paragraph 63 relates only to allegations regarding claims that have been dismissed by the
12 Court. Accordingly, no response is required. To the extent that any response is deemed required,
13 Defendants admit that the Giants is a member club of the NFL and otherwise deny the allegations of
14 Paragraph 63.

15 64. Paragraph 64 relates only to allegations regarding claims that have been dismissed by the
16 Court. Accordingly, no response is required. To the extent that any response is deemed required,
17 Defendants admit that the Jets is a member club of the NFL and otherwise deny the allegations of
18 Paragraph 64.

19 65. Paragraph 65 relates only to allegations regarding claims that have been dismissed by the
20 Court. Accordingly, no response is required. To the extent that any response is deemed required,
21 Defendants admit that the Raiders is a member club of the NFL that resides in this District and otherwise
22 deny the allegations of Paragraph 65.

23 66. Paragraph 66 relates only to allegations regarding claims that have been dismissed by the
24 Court. Accordingly, no response is required. To the extent that any response is deemed required,
25 Defendants admit that the Eagles is a member club of the NFL and otherwise deny the allegations of
26 Paragraph 66.

27 67. Paragraph 67 relates only to allegations regarding claims that have been dismissed by the
28 Court. Accordingly, no response is required. To the extent that any response is deemed required,

1 Defendants admit that the Steelers is a member club of the NFL and otherwise deny the allegations of
2 Paragraph 67.

3 68. Paragraph 68 relates only to allegations regarding claims that have been dismissed by the
4 Court. Accordingly, no response is required. To the extent that any response is deemed required,
5 Defendants admit that the Rams is a member club of the NFL and otherwise deny the allegations of
6 Paragraph 45.

7 69. Defendants admit that the Chargers is a member club of the NFL and otherwise deny the
8 allegations of Paragraph 69.

9 70. Paragraph 70 relates only to allegations regarding claims that have been dismissed by the
10 Court. Accordingly, no response is required. To the extent that any response is deemed required,
11 Defendants admit that the 49ers is a member club of the NFL that resides in this district and otherwise
12 deny the allegations of Paragraph 70.

13 71. Paragraph 71 relates only to allegations regarding claims that have been dismissed by the
14 Court. Accordingly, no response is required. To the extent that any response is deemed required,
15 Defendants admit that the Seahawks is a member club of the NFL and otherwise deny the allegations of
16 Paragraph 71.

17 72. Paragraph 72 relates only to allegations regarding claims that have been dismissed by the
18 Court. Accordingly, no response is required. To the extent that any response is deemed required,
19 Defendants admit that the Buccaneers is a member club of the NFL and otherwise deny the allegations
20 of Paragraph 72.

21 73. Paragraph 73 relates only to allegations regarding claims that have been dismissed by the
22 Court. Accordingly, no response is required. To the extent that any response is deemed required,
23 Defendants admit that the Titans is a member club of the NFL and otherwise deny the allegations of
24 Paragraph 73.

25 74. Paragraph 74 relates only to allegations regarding claims that have been dismissed by the
26 Court. Accordingly, no response is required. To the extent that any response is deemed required,
27 Defendants admit that the Redskins is a member club of the NFL and otherwise deny the allegations of
28 Paragraph 74.

1 75. Defendants admit the allegations in Paragraph 75.

2 76. Paragraph 76 relates only to allegations regarding claims that have been dismissed by the
3 Court. Accordingly, no response is required. To the extent that any response is deemed required,
4 Defendants admit that the American Professional Football Association (“APFA”) began in September
5 1920. Defendants further admit that the APFA changed its name to the National Football League in June
6 1922 and that the National Football League has existed since that time. Defendants otherwise deny the
7 allegations of Paragraph 76.

8 77. Defendants admit that the first two CBAs signed by the NFLPA or the AFLPA—one
9 with the NFL and one with the AFL—had effective dates in 1968. Defendants further admit that the
10 second CBA signed by the NFLPA had an effective date in 1970. Defendants otherwise deny the
11 allegations of Paragraph 77.

12 78. Defendants admit that the 1970 CBA had an expiration date of January 31, 1974.
13 Defendants also admit that the parties entered into the next CBA, the 1977 CBA, on March 1, 1977, with
14 an effective date of February 1, 1974. The second, third, and fourth sentences of Paragraph 78 purport to
15 characterize and quote a federal appellate opinion and therefore no response is required, as the opinion
16 in that case speaks for itself. To the extent that any response is deemed required, Defendants otherwise
17 deny the allegations of Paragraph 78.

18 79. Paragraph 79 contains legal assertions to which no response is required. To the extent
19 that any response is deemed required, Defendants deny the allegations of Paragraph 79.

20 80. Defendants admit the allegations of paragraph 80.

21 81. Defendants admit that the football seasons from 1932 through 1967 were not subject to
22 any CBA. Defendants otherwise deny the allegations of Paragraph 81.

23 82. The first sentence of Paragraph 82 asserts legal conclusions to which no response is
24 required and the second sentence of Paragraph 82 purports to quote from an unidentified “public filing”
25 to which no response is required. To the extent that any response is deemed required, Defendants deny
26 the allegations of Paragraph 82.

1 83. Defendants admit that Dr. Alva A. Young was an owner of the Hammond (Indiana) Pros.
2 Defendants also admit that Dr. Young attended the meeting at which the American Professional Football
3 Association was formed in September 1920. Defendants otherwise deny the allegations of Paragraph 83.

4 84. Defendants deny the allegations of Paragraph 84.

5 85. Defendants admit that the NFL Physicians Society was founded in 1966 and that it still
6 exists today. Defendants further admit that, as of the date of this Answer, the NFLPS Mission Statement
7 includes the language quoted in Paragraph 85. Defendants also admit that the NFLPS has over 100
8 members, including physicians associated with all 32 Clubs. Defendants otherwise deny the allegations
9 of Paragraph 85.

10 86. The first sentence of Paragraph 86 is a statement of opinion to which no response is
11 required. To the extent that any response is deemed required, Defendants deny the allegations of the first
12 sentence of Paragraph 86. As to the second, third, and fourth sentences of Paragraph 86, Defendants
13 admit that the NFL Combine began in 1985. Defendants further admit that Club doctors have attended
14 the NFL Combine. Defendants otherwise deny the allegations of Paragraph 86.

15 87. Paragraph 87 purports to selectively quote and excerpt material from the NFLPS website
16 and therefore no response is required. To the extent that any response is deemed required, Defendants
17 refer Plaintiffs to the NFLPS website and otherwise deny the allegations of Paragraph 87.

18 88. Paragraph 88 relates only to allegations regarding claims that have been dismissed by the
19 Court. Accordingly, no response is required. Moreover, the second sentence of Paragraph 88 purports to
20 selectively summarize testimony of Dr. Anthony Yates and therefore no response is required. To the
21 extent that any response is deemed required, as to the allegations of the first sentence of Paragraph 88
22 Defendants admit that the NFLPS has an Executive Committee. As to the second sentence of Paragraph
23 88, Defendants refer Plaintiffs to Dr. Yates' deposition testimony in its entirety and otherwise deny the
24 allegations of Paragraph 88.

25 89. Paragraph 89 relates only to allegations regarding claims that have been dismissed by the
26 Court. Accordingly, no response is required. Moreover, Paragraph 89 purports to summarize and
27 selectively quote from Dr. Yates' deposition testimony and therefore no response is required. To the
28

1 extent that any response is deemed required, Defendants refer Plaintiffs to Dr. Yates' deposition
2 testimony in its entirety and otherwise deny the allegations of Paragraph 89.

3 90. Paragraph 90 relates only to allegations regarding claims that have been dismissed by the
4 Court. Accordingly, no response is required. Moreover, Paragraph 90 purports to summarize and
5 selectively quote from Dr. Yates' deposition testimony and therefore no response is required. To the
6 extent that any response is deemed required, Defendants refer Plaintiffs to Dr. Yates' deposition
7 testimony in its entirety and otherwise deny the allegations of Paragraph 90.

8 91. Paragraph 91 relates only to allegations regarding claims that have been dismissed by the
9 Court. Accordingly, no response is required. Moreover, Paragraph 91 purports to selectively summarize
10 the deposition testimony of Dr. Yates and Dr. Matava, to which no response is required. To the extent
11 that any response is deemed required, Defendants refer Plaintiffs to Dr. Yates' and Dr. Matava's
12 respective deposition testimony in its entirety and otherwise deny the allegations of Paragraph 91.

13 92. Paragraph 92 relates only to allegations regarding claims that have been dismissed by the
14 Court. Accordingly, no response is required. Moreover, Paragraph 92 purports to selectively summarize
15 the deposition testimony of Dr. Yates, to which no response is required. To the extent that any response
16 is deemed required, Defendants refer Plaintiffs to Dr. Yates' deposition testimony in its entirety and
17 otherwise deny the allegations of Paragraph 92.

18 93. Paragraph 93 relates only to allegations regarding claims that have been dismissed by the
19 Court. Accordingly, no response is required. Moreover, Paragraph 93 purports to summarize and
20 selectively quote from unidentified documents, to which no response is required. To the extent that any
21 response is deemed required, Defendants refer Plaintiffs to the unidentified documents in their entirety
22 and otherwise deny the allegations of Paragraph 93.

23 94. Paragraph 94 relates only to allegations regarding claims that have been dismissed by the
24 Court. Accordingly, no response is required. To the extent that any response is deemed required,
25 Defendants deny the first sentence of Paragraph 94, refer Plaintiffs to the unidentified documents in their
26 entirety, and otherwise deny the allegations of Paragraph 94.

27 95. Paragraph 95 relates only to allegations regarding claims that have been dismissed by the
28 Court. Accordingly, no response is required. Moreover, Paragraph 95 purports to selectively summarize

1 Dr. Marzo's deposition testimony, to which no response is required. To the extent that any response is
2 deemed required, Defendants refer Plaintiffs to Dr. Marzo's deposition testimony in its entirety and
3 otherwise deny the allegations of Paragraph 95.

4 96. Paragraph 96 relates only to allegations regarding claims that have been dismissed by the
5 Court. Accordingly, no response is required. To the extent that a response is required, Defendants deny
6 the allegations of Paragraph 96.

7 97. Defendants admit that athletic trainers have been provided continuously since the early
8 years of the NFL. Defendants also admit that the National Football League Athletic Trainers Society
9 was formed in the mid-1960s. Defendants also admit that the organization renamed itself the
10 Professional Football Athletic Trainers Society in 1982. As to the third sentence of Paragraph 97,
11 Defendants refer Plaintiffs to the PFATS website and otherwise deny the allegations of Paragraph 97.

12 98. Paragraph 98 relates only to allegations regarding claims that have been dismissed by the
13 Court. Accordingly, no response is required. Moreover, Paragraph 98 purports to selectively quote the
14 PFATS website, and therefore no response is required. To the extent that any response is deemed
15 required, Defendants refer plaintiffs to the PFATS website and otherwise deny the allegations of
16 Paragraph 98.

17 99. Paragraph 99 relates only to allegations regarding claims that have been dismissed by the
18 Court. Accordingly, no response is required. Moreover, Paragraph 99 purports to selectively quote the
19 PFATS website, to which no response is required. To the extent that any response is deemed required,
20 Defendants refer Plaintiffs to the PFATS website and otherwise deny the allegations of Paragraph 99.

21 100. Paragraph 100 relates only to allegations regarding claims that have been dismissed by
22 the Court. Accordingly, no response is required. Moreover, Paragraph 100 purports to selectively quote
23 the PFATS website, and therefore no response is required. To the extent that any response is deemed
24 required, Defendants refer Plaintiffs to the PFATS website and otherwise deny the allegations of
25 Paragraph 101.

26 101. Paragraph 101 relates only to allegations regarding claims that have been dismissed by
27 the Court. Accordingly, no response is required. Moreover, the second sentence of Paragraph 101
28 purports to summarize and selectively quote from an unidentified document, and therefore no response

1 is required. To the extent that any response is deemed required, as to the first sentence of Paragraph 101
2 Defendants admit that Dr. Brown communicated with athletic trainers. As to the second sentence of
3 Paragraph 101, Defendants refer Plaintiffs to the unidentified document in its entirety and otherwise
4 deny the allegations of Paragraph 101.

5 102. Paragraph 102 relates only to allegations regarding claims that have been dismissed by
6 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
7 Defendants deny the allegations of Paragraph 102.

8 103. Paragraph 103 relates only to allegations regarding claims that have been dismissed by
9 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
10 Defendants deny the allegations of Paragraph 103

11 104. Paragraph 104 relates only to allegations regarding claims that have been dismissed by
12 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
13 Defendants deny the allegations of Paragraph 104.

14 105. Paragraph 105 relates only to allegations regarding claims that have been dismissed by
15 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
16 Defendants admit that NFL Films was created in 1965 and otherwise deny the allegations of Paragraph
17 105.

18 106. Paragraph 106 relates only to allegations regarding claims that have been dismissed by
19 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
20 Defendants: admit that NFL players went on strike during the 1987 season; admit that regular season
21 games were played during the period of the strike with so-called “replacement players” and that
22 “replacement players” have not played in regular season games since the 1987 season; and otherwise
23 deny the allegations of Paragraph 106.

24 107. Paragraph 107 relates only to allegations regarding claims that have been dismissed by
25 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
26 Defendants deny the allegations of Paragraph 107.

1 108. Paragraph 108 relates only to allegations regarding claims that have been dismissed by
2 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
3 Defendants admit that the NFL has 32 clubs and otherwise deny the allegations of Paragraph 108.

4 109. Paragraph 109 relates only to allegations regarding claims that have been dismissed by
5 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
6 Defendants: admit that the NFL Network advertises as the fan's "24/7, year-round NFL news channel";
7 admit that offseason workouts have occurred in April; admit that the draft has occurred in May; admit
8 that pre-season games have occurred in August; admit that regular season games have occurred in
9 December; admit that postseason games have occurred in February; and otherwise deny the allegations
10 of Paragraph 109.

11 110. Paragraph 110 relates only to allegations regarding claims that have been dismissed by
12 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
13 Defendants refer Plaintiffs to the document cited in the third sentence of Paragraph 110 in its entirety
14 and otherwise deny the allegations of Paragraph 110.

15 111. Paragraph 111 relates only to allegations regarding claims that have been dismissed by
16 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
17 Defendants deny the allegations of Paragraph 111.

18 112. Paragraph 112 relates only to allegations regarding claims that have been dismissed by
19 the Court. Furthermore, Paragraph 112 purports to selectively quote an unidentified Washington Post
20 survey, which article (if fully identified) would speak for itself, and therefore no response is required. To
21 the extent that any response is deemed required, Defendants are without knowledge or information
22 sufficient to form a belief as to the remaining allegations of Paragraph 112, which address what the
23 respondents to a study purportedly said, and, on that basis, deny those allegations.

24 113. Paragraph 113 relates only to allegations regarding claims that have been dismissed by
25 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
26 Defendants deny the allegations of Paragraph 113.

1 114. Paragraph 114 relates only to allegations regarding claims that have been dismissed by
2 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
3 Defendants deny the allegations of Paragraph 114.

4 115. Paragraph 115 relates only to allegations regarding claims that have been dismissed by
5 the Court. Accordingly, no response is required. Moreover, the ninth sentence of Paragraph 101 purports
6 to quote selectively a statement of Jerry Jones without identifying the source of the quotation, and
7 therefore no response is required. To the extent that any response is deemed required, Defendants deny
8 the first sentence of Paragraph 115. Defendants admit that it was publicly reported that Robert Griffin,
9 III injured his knee in a playoff game in 2013. Defendants also admit that it was publicly reported that
10 Tony Romo injured his back in 2014, missed the following week's game, and played in the remainder of
11 the games that year. Defendants also admit that it was publicly reported that Alex Mack sustained an
12 injury prior to the 2017 Super Bowl, but returned to play in the Super Bowl. Defendants are otherwise
13 without knowledge or information sufficient to form a belief as to the allegations of Paragraph 115 and,
14 on that basis, deny those allegations.

15 116. Paragraph 116 relates only to allegations regarding claims that have been dismissed by
16 the Court. Accordingly, no response is required. Moreover, Paragraph 116 quotes selectively from a
17 Washington Post article, and therefore no response is required. To the extent that any response is
18 deemed required, Defendants refer Plaintiffs to the cited Washington Post article in its entirety;
19 Defendants are otherwise without knowledge or information sufficient to form a belief as to the
20 allegations of Paragraph 116, which address personal medical decisions purportedly made by Tom
21 Brady, and, on that basis, deny those allegations.

22 117. Paragraph 117 relates only to allegations regarding claims that have been dismissed by
23 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
24 Defendants deny the allegations of Paragraph 117.

25 118. Insofar as Paragraph 118 relates to allegations regarding claims that have been dismissed
26 by the Court, no response is required. To the extent that any response is deemed required, Defendants
27 deny the allegations of Paragraph 118.
28

1 119. Paragraph 119 relates only to allegations regarding claims that have been dismissed by
2 the Court. Accordingly, no response is required. Moreover, Paragraph 119 purports to selectively quote
3 from multiple documents, which (in their full form), would speak for themselves, and therefore no
4 response is required. To the extent that any response is deemed required, Defendants refer Plaintiffs to
5 the documents identified in their entirety and otherwise deny the allegations of Paragraph 119.

6 120. Paragraph 120 relates only to claims that have been dismissed by the Court. Accordingly,
7 no response is required. To the extent that any response is deemed required, Defendants: admit that they
8 kept records of medications dispensed by team physicians and that all such records within Defendants'
9 custody and control were produced to Plaintiffs during discovery; that Plaintiffs attach a document as
10 Exhibit B to their complaint that was produced in discovery by the Indianapolis Colts, refer Plaintiffs to
11 that document in its entirety, and otherwise deny the allegations of Paragraph 120.

12 121. Paragraph 121 relate only to claims that have been dismissed by the Court. Accordingly,
13 no response is required. Moreover, Paragraph 121 purports to selectively summarize an unidentified
14 audit, so that no response is required. To the extent that any response is deemed required, Defendants
15 refer Plaintiffs to the referenced audit in its entirety and otherwise deny the allegations of Paragraph
16 121.

17 122. The allegations of Paragraph 122 relate only to allegations regarding claims that have
18 been dismissed by the Court. Accordingly, no response is required as to these sentences. To the extent
19 that any response is deemed required, Defendants admit that Plaintiffs attach a document as Exhibit C to
20 their complaint that was produced in discovery by the New York Jets, refer Plaintiffs to this document in
21 its entirety, and otherwise deny the allegations of Paragraph 122.

22 123. Paragraph 123 relates only to allegations regarding claims that have been dismissed by
23 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
24 Defendants admit that Plaintiffs attach a document as Exhibit D to their complaint that was produced in
25 discovery by Dr. Brown, refer Plaintiffs to this document in its entirety, and otherwise deny the
26 allegations of Paragraph 123.

1 124. Paragraph 124 is a statement of opinion as to personal belief as to which no response is
2 required. To the extent that any response is deemed required, Defendants deny the allegations of
3 Paragraph 124.

4 125. Paragraph 125 relates only to allegations regarding claims that have been dismissed by
5 the Court. Moreover, the second sentence of Paragraph 125 states a legal conclusion. Accordingly, no
6 response is required. To the extent that any response is deemed required, Defendants deny the
7 allegations of Paragraph 125.

8 126. Paragraph 126 relates only to allegations regarding claims that have been dismissed by
9 the Court. Moreover, the first and third sentences of Paragraph 125 state legal conclusions. Accordingly,
10 no response is required. To the extent that any response is deemed required, Defendants deny the
11 allegations of Paragraph 126.

12 127. Paragraph 127 relates only to allegations regarding claims that have been dismissed by
13 the Court. Moreover, the second sentence of Paragraph 127 purports to selectively summarize deposition
14 testimony which speaks for itself, and the third sentence of Paragraph 127 states as legal conclusion.
15 Accordingly, no response is required. To the extent that any response is deemed required, Defendants
16 deny the allegations of Paragraph 127.

17 128. Paragraph 128 relates only to allegations regarding claims that have been dismissed by
18 the Court. Moreover, the first and third sentences of Paragraph 128 state legal conclusions. Accordingly,
19 no response is required. To the extent that any response is deemed required, Defendants deny the
20 allegations of Paragraph 128.

21 129. Paragraph 129 relates only to allegations regarding claims that have been dismissed by
22 the Court. Moreover, Paragraph 129 purports to summarize unidentified records that (if fully identified)
23 would speak for themselves. Accordingly, no response is required. To the extent that any response is
24 deemed required, Defendants deny the first and third sentences of Paragraph 129. Defendants are
25 without knowledge or information sufficient to form a belief as to the second sentence of Paragraph 129
26 and, on that basis, deny those allegations.

1 130. Paragraph 130 relates only to allegations regarding claims that have been dismissed by
2 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
3 Defendants deny the allegations of Paragraph 130.

4 131. Paragraph 131 relates only to allegations regarding claims that have been dismissed by
5 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
6 Defendants: admit that the NFL has an Executive Committee composed of one representative from each
7 member club; admit that the NFL holds an annual meeting and has held annual meetings for many years;
8 admit that Club executives, trainers, and doctors, meet with one another from time to time; and
9 otherwise deny the allegations of Paragraph 131.

10 132. Paragraph 132 relates only to allegations regarding claims that have been dismissed by
11 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
12 Defendants deny the allegations of Paragraph 132.

13 133. Paragraph 133 relates only to allegations regarding claims that have been dismissed by
14 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
15 Defendants deny the allegations of Paragraph 133.

16 134. Paragraph 134 relates only to allegations regarding claims that have been dismissed by
17 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
18 Defendants deny the allegations of Paragraph 134.

19 135. Paragraph 135 relates only to allegations regarding claims that have been dismissed by
20 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
21 Defendants deny the allegations of Paragraph 135.

22 136. Paragraph 136 relates only to allegations regarding claims that have been dismissed by
23 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
24 Defendants deny the first sentence of Paragraph 136 and are without knowledge or information
25 sufficient to form a belief as to the remaining allegations of Paragraph 136, and, on that basis, deny
26 those allegations.

1 137. Paragraph 137 relates only to allegations regarding claims that have been dismissed by
2 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
3 Defendants deny the allegations of Paragraph 137.

4 138. Paragraph 138 relates only to allegations regarding claims that have been dismissed by
5 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
6 Defendants deny the allegations of Paragraph 138.

7 139. Paragraph 139 relates only to allegations regarding claims that have been dismissed by
8 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
9 Defendants deny the allegations of Paragraph 139.

10 140. Paragraph 140 relates only to allegations regarding claims that have been dismissed by
11 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
12 Defendants deny the allegations of Paragraph 140.

13 141. Paragraph 141 relates only to allegations regarding claims that have been dismissed by
14 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
15 Defendants deny the allegations of Paragraph 141.

16 142. Paragraph 142 relates only to allegations regarding claims that have been dismissed by
17 the Court. Accordingly, no response is required. Moreover, Paragraph 142 purports to selectively quote
18 from a document titled “NFL Prescription Drug Program Advisory Committee Major Findings and
19 Recommendations,” to which no response is required. To the extent that any response is deemed
20 required, Defendants refer Plaintiffs to the identified document in its entirety and otherwise deny the
21 allegations of Paragraph 142.

22 143. Paragraph 143 relates only to allegations regarding claims that have been dismissed by
23 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
24 Defendants deny the allegations of Paragraph 143.

25 144. Paragraph 144 relates only to allegations regarding claims that have been dismissed by
26 the Court. Accordingly, no response is required. Paragraph 144 also asserts legal conclusions to which
27 no response is required. The third sentence of Paragraph 144 purports to paraphrase and selectively
28 quote from an document that (in its full form) would speak for itself, and therefore no response is

1 required. To the extent that any response is deemed required, Defendants deny the allegations of
2 Paragraph 144.

3 145. Paragraph 145 relates only to allegations regarding claims that have been dismissed by
4 the Court. Accordingly, no response is required. Moreover, Paragraph 145 purports to summarize and
5 selectively quote from a document, which (in its full form) would speak for itself, and therefore no
6 response is required. To the extent that any response is deemed required, Defendants deny the
7 allegations of Paragraph 145.

8 146. Paragraph 146 relates only to allegations regarding claims that have been dismissed by
9 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
10 Defendants deny the allegations of Paragraph 146.

11 147. Paragraph 147 relates only to allegations regarding claims that have been dismissed by
12 the Court. Moreover, Paragraph 147 asserts legal conclusions. Accordingly, no response is required. To
13 the extent that a response is required, Defendants deny the allegations of Paragraph 147.

14 148. Paragraph 148 relates only to allegations regarding claims that have been dismissed by
15 the Court. Moreover, Paragraph 148 asserts legal conclusions. Accordingly, no response is required. To
16 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act itself, and
17 otherwise deny the allegations of Paragraph 148.

18 149. Paragraph 149 relates only to allegations regarding claims that have been dismissed by
19 the Court. Moreover, Paragraph 149 asserts legal conclusions. Accordingly, no response is required. To
20 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act itself and
21 otherwise deny the allegations of Paragraph 149.

22 150. Paragraph 150 and Footnote 3 relate only to allegations regarding claims that have been
23 dismissed by the Court. Moreover, Paragraph 150 and Footnote 3 assert legal conclusions. Accordingly,
24 no response is required. To the extent that any response is deemed required, Defendants refer Plaintiffs
25 to the Act itself and otherwise deny the allegations of Paragraph 150 and Footnote 3.

26 151. Paragraph 151 relates only to allegations regarding claims that have been dismissed by
27 the Court. Moreover, Paragraph 151 asserts legal conclusions. Accordingly, no response is required. To
28

1 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act itself and
2 otherwise deny the allegations of Paragraph 151.

3 152. Paragraph 152 and Footnote 4 relate only to allegations regarding claims that have been
4 dismissed by the Court. Moreover, Paragraph 152 and Footnote 4 assert legal conclusions. Accordingly,
5 no response is required. To the extent that any response is deemed required, Defendants refer Plaintiffs
6 to the Act itself and otherwise deny the allegations of Paragraph 152 and Footnote 4.

7 153. Paragraph 153 relates only to allegations regarding claims that have been dismissed by
8 the Court. Moreover, Paragraph 151 asserts legal conclusions. Accordingly, no response is required. To
9 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act itself, and
10 otherwise deny the allegations of Paragraph 153.

11 154. Paragraph 154 relates only to allegations regarding claims that have been dismissed by
12 the Court. Moreover, Paragraph 154 asserts legal conclusions. Accordingly, no response is required. To
13 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act itself, and
14 otherwise deny the allegations of Paragraph 154.

15 155. Paragraph 155 relates only to allegations regarding claims that have been dismissed by
16 the Court. Moreover, Paragraph 155 asserts legal conclusions. Accordingly, no response is required. To
17 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act itself, and
18 otherwise deny the allegations of Paragraph 155.

19 156. Paragraph 156 relates only to allegations regarding claims that have been dismissed by
20 the Court. Moreover, Paragraph 156 asserts legal conclusions. Accordingly, no response is required. To
21 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act and its
22 implementing regulations themselves, and otherwise deny the allegations of Paragraph 156.

23 157. Paragraph 157 relates only to allegations regarding claims that have been dismissed by
24 the Court. Moreover, Paragraph 157 asserts legal conclusions. Accordingly, no response is required. To
25 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act itself, and
26 otherwise deny the allegations of Paragraph 157.

27 158. Paragraph 158 relates only to allegations regarding claims that have been dismissed by
28 the Court. Moreover, Paragraph 158 asserts legal conclusions. Accordingly, no response is required. To

1 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act and implementing
2 regulations themselves, and otherwise deny the allegations of Paragraph 158.

3 159. Paragraph 159 relates only to allegations regarding claims that have been dismissed by
4 the Court. Moreover, Paragraph 159 asserts legal conclusions. Accordingly, no response is required. To
5 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act and implementing
6 regulations themselves, and otherwise deny the allegations of Paragraph 159.

7 160. Paragraph 160 relates only to allegations regarding claims that have been dismissed by
8 the Court. Moreover, Paragraph 160 asserts legal conclusions. Accordingly, no response is required. To
9 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act itself, and
10 otherwise deny the allegations of Paragraph 160.

11 161. Paragraph 161 relates only to allegations regarding claims that have been dismissed by
12 the Court. Moreover, Paragraph 161 asserts legal conclusions. Accordingly, no response is required. To
13 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act itself, and
14 otherwise deny the allegations of Paragraph 161.

15 162. Paragraph 162 relates only to allegations regarding claims that have been dismissed by
16 the Court. Moreover, Paragraph 162 asserts legal conclusions. Accordingly, no response is required. To
17 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act itself, and
18 otherwise deny the allegations of Paragraph 162.

19 163. Paragraph 163 relates only to allegations regarding claims that have been dismissed by
20 the Court. Moreover, Paragraph 163 asserts legal conclusions. Accordingly, no response is required. To
21 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act itself, and
22 otherwise deny the allegations of Paragraph 163.

23 164. Paragraph 164 relates only to allegations regarding claims that have been dismissed by
24 the Court. Moreover, Paragraph 164 asserts legal conclusions. Accordingly, no response is required. To
25 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act itself, and
26 otherwise deny the allegations of Paragraph 164.

27 165. Paragraph 165 relates only to allegations regarding claims that have been dismissed by
28 the Court. Moreover, Paragraph 165 asserts legal conclusions. Accordingly, no response is required. To

1 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act itself, and
2 otherwise deny the allegations of Paragraph 165.

3 166. Paragraph 166 relates only to allegations regarding claims that have been dismissed by
4 the Court. Moreover, Paragraph 166 asserts legal conclusions. Accordingly, no response is required. To
5 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act itself, and
6 otherwise deny the allegations of Paragraph 166.

7 167. Paragraph 167 relates only to allegations regarding claims that have been dismissed by
8 the Court. Moreover, Paragraph 167 asserts legal conclusions. Accordingly, no response is required. To
9 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act itself, and
10 otherwise deny the allegations of Paragraph 167.

11 168. Paragraph 168 relates only to allegations regarding claims that have been dismissed by
12 the Court. Moreover, Paragraph 168 asserts legal conclusions. Accordingly, no response is required. To
13 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act itself, and
14 otherwise deny the allegations of Paragraph 168.

15 169. Paragraph 169 relates only to allegations regarding claims that have been dismissed by
16 the Court. Moreover, Paragraph 169 asserts legal conclusions. Accordingly, no response is required. To
17 the extent that any response is deemed required, Defendants deny the allegations of Paragraph 169.

18 170. Paragraph 170 relates only to allegations regarding claims that have been dismissed by
19 the Court. Moreover, Paragraph 170 asserts legal conclusions. Accordingly, no response is required. To
20 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act itself, and
21 otherwise deny the allegations of Paragraph 170.

22 171. Paragraph 171 relates only to allegations regarding claims that have been dismissed by
23 the Court. Moreover, Paragraph 171 asserts legal conclusions. Accordingly, no response is required. To
24 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act itself, and
25 otherwise deny the allegations of Paragraph 171.

26 172. Paragraph 172 relates only to allegations regarding claims that have been dismissed by
27 the Court. Moreover, Paragraph 172 asserts legal conclusions. Accordingly, no response is required. To
28

1 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act itself, and
2 otherwise deny the allegations of Paragraph 172.

3 173. Paragraph 173 relates only to allegations regarding claims that have been dismissed by
4 the Court. Moreover, Paragraph 173 asserts legal conclusions related to unidentified jurisprudence that
5 (if identified) would presumably speak for itself. Accordingly, no response is required. To the extent that
6 any response is deemed required, Defendants deny the allegations of Paragraph 173.

7 174. Paragraph 174 relates only to allegations regarding claims that have been dismissed by
8 the Court. Moreover, Paragraph 174 asserts legal conclusions. Accordingly, no response is required. To
9 the extent that any response is deemed required, Defendants deny the allegations of Paragraph 174.

10 175. Paragraph 175 relates only to allegations regarding claims that have been dismissed by
11 the Court. Moreover, Paragraph 175 asserts legal conclusions. Accordingly, no response is required. To
12 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act itself, and
13 otherwise deny the allegations of Paragraph 175.

14 176. Paragraph 176 relates only to allegations regarding claims that have been dismissed by
15 the Court. Moreover, Paragraph 176 asserts legal conclusions. Accordingly, no response is required. To
16 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act itself, and
17 otherwise deny the allegations of Paragraph 176.

18 177. Paragraph 177 relates only to allegations regarding claims that have been dismissed by
19 the Court. Moreover, Paragraph 177 asserts legal conclusions. Accordingly, no response is required. To
20 the extent that any response is deemed required, Defendants deny the allegations of the first sentence of
21 Paragraph 177, refer Plaintiffs to the Act itself, and otherwise deny the allegations of Paragraph 177.

22 178. Paragraph 178 relates only to allegations regarding claims that have been dismissed by
23 the Court. Moreover, Paragraph 178 asserts legal conclusions. Accordingly, no response is required. To
24 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act, and
25 implementing regulations themselves, and otherwise deny the allegations of Paragraph 178.

26 179. Paragraph 179 relates only to allegations regarding claims that have been dismissed by
27 the Court. Moreover, Paragraph 179 asserts legal conclusions. Accordingly, no response is required. To
28 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act, and

1 implementing regulations, which speaks for themselves, and otherwise deny the allegations of Paragraph
2 179.

3 180. Paragraph 180 relates only to allegations regarding claims that have been dismissed by
4 the Court. Moreover, Paragraph 180 asserts legal conclusions. Accordingly, no response is required. To
5 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act, and
6 implementing regulations themselves, and otherwise deny the allegations of Paragraph 180.

7 181. Paragraph 181 relates only to allegations regarding claims that have been dismissed by
8 the Court. Moreover, Paragraph 181 asserts legal conclusions. Accordingly, no response is required. To
9 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act, and
10 implementing regulations, which speaks for themselves, and otherwise deny the allegations of Paragraph
11 181.

12 182. Paragraph 182 relates only to allegations regarding claims that have been dismissed by
13 the Court. Moreover, Paragraph 182 asserts legal conclusions. Accordingly, no response is required. To
14 the extent that any response is deemed required, Defendants deny the allegations of Paragraph 182.

15 183. Paragraph 183 relates only to allegations regarding claims that have been dismissed by
16 the Court. Moreover, Paragraph 183 asserts legal conclusions. Accordingly, no response is required. To
17 the extent that any response is deemed required, Defendants refer Plaintiffs to the Act itself and the
18 relevant State laws and otherwise deny the allegations of Paragraph 183.

19 184. Paragraph 184 relates only to allegations regarding claims that have been dismissed by
20 the Court. Accordingly, no response is required. Moreover, Paragraph 184 purports to selectively quote
21 from a report that (in its full version) would speak for itself, such that no response is required. To the
22 extent that any response is deemed required, Defendants refer Plaintiffs to the identified document in its
23 entirety and otherwise deny the allegations of Paragraph 184.

24 185. Paragraph 185 relates only to allegations regarding claims that have been dismissed by
25 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
26 Defendants refer Plaintiffs to the identified document in its entirety and otherwise deny the allegations
27 of Paragraph 185.

1 186. Paragraph 186 relates only to allegations regarding claims that have been dismissed by
2 the Court. Accordingly, no response is required. Moreover, Paragraph 186 purports to selectively quote
3 from a document that (in its full version) would speak for itself, such that no response is required. To the
4 extent that any response is deemed required, Defendants refer Plaintiffs to the identified document in its
5 entirety and otherwise deny the allegations of Paragraph 186.

6 187. Paragraph 187 relates only to allegations regarding claims that have been dismissed by
7 the Court. Accordingly, no response is required. Moreover, Paragraph 187 purports to selectively quote
8 from a document that (in its full version) would speak for itself, such that no response is required. To the
9 extent that any response is deemed required, Defendants refer Plaintiffs to the identified document in its
10 entirety and otherwise deny the allegations of Paragraph 187.

11 188. Paragraph 188 relates only to allegations regarding claims that have been dismissed by
12 the Court. Accordingly, no response is required. Moreover, the second sentence of Paragraph 188 asserts
13 legal conclusions and purports to selectively characterize deposition testimony that, in its entirety,
14 speaks for itself, such that no response is required. To the extent that any response is deemed required,
15 Defendants deny the allegations of Paragraph 188.

16 189. Paragraph 189 relates only to allegations regarding claims that have been dismissed by
17 the Court. Moreover, Paragraph 189 purports to offer legal conclusions. Paragraph 189 also purports to
18 summarize the contents of unidentified documents. Accordingly, no response is required. To the extent
19 that any response is deemed required, Defendants deny the allegations of Paragraph 189.

20 190. Paragraph 190 relates only to allegations regarding claims that have been dismissed by
21 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
22 Defendants deny the allegations of Paragraph 190.

23 191. Paragraph 185 and Footnote 5 relate only to allegations regarding claims that have been
24 dismissed by the Court. Accordingly, no response is required. Moreover, Paragraph 191 purports to
25 selectively quote from a document that (in its full version) would speak for itself, such that no response
26 is required. To the extent that any response is deemed required, Defendants refer Plaintiffs to the
27 identified document in its entirety and otherwise deny the allegations of Paragraph 191 and Footnote 5.
28

1 192. Paragraph 192 relates only to allegations regarding claims that have been dismissed by
2 the Court. Accordingly, no response is required. Moreover, Paragraph 192 purports to selectively quote
3 from a document that (in its full version) would speak for itself, such that no response is required. To the
4 extent that any response is deemed required, Defendants refer Plaintiffs to the identified document in its
5 entirety and otherwise deny the allegations of Paragraph 192.

6 193. Paragraph 193 relates only to allegations regarding claims that have been dismissed by
7 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
8 Defendants deny the allegations of Paragraph 193.

9 194. Paragraph 194 relates only to allegations regarding claims that have been dismissed by
10 the Court. Accordingly, no response is required. Moreover, Paragraph 194 purports to selectively quote
11 from a document that (in its full version) would speak for itself, such that no response is required. To the
12 extent that any response is deemed required, Defendants refer Plaintiffs to the identified document in its
13 entirety and otherwise deny the allegations of Paragraph 194.

14 195. Paragraph 195 relates only to allegations regarding claims and parties that have been
15 dismissed by the Court. Accordingly, no response is required. Moreover, Paragraph 195 purports to
16 selectively quote from a document that (in its full version) would speak for itself, such that no response
17 is required. To the extent that any response is deemed required, Defendants refer Plaintiffs to the
18 identified document in its entirety and otherwise deny the allegations of Paragraph 195.

19 196. Paragraph 196 relates only to allegations regarding claims that have been dismissed by
20 the Court. Paragraph 196 also contains legal assertions. Moreover, Paragraph 196 purports to selectively
21 quote from a document that (in its full version) would speak for itself. For all of these reasons, no
22 response is required. To the extent that any response is deemed required, Defendants refer Plaintiffs to
23 the identified document in its entirety and otherwise deny the allegations of Paragraph 196.

24 197. Insofar as this allegation relates to claims that have been dismissed, no response is
25 required. To the extent that any response is deemed required, Defendants deny the allegations of
26 Paragraph 197.

27 198. Insofar as this allegation relates to claims that have been dismissed, no response is
28 required. To the extent that any response is deemed required, Defendants are without knowledge or

1 information sufficient to form a belief as to the allegations of Paragraph 198, which Plaintiffs attribute to
2 unidentified “leading experts,” and, on that basis, deny those allegations.

3 199. Insofar as this allegation relates to claims that have been dismissed, no response is
4 required. To the extent that any response is deemed required, Defendants are without knowledge or
5 information sufficient to form a belief as to the allegations of Paragraph 199, which Plaintiffs attribute to
6 the Centers for Disease Control and Prevention, and, on that basis, deny those allegations.

7 200. Insofar as this allegation relates to claims that have been dismissed, no response is
8 required. To the extent that any response is deemed required, Defendants are without knowledge or
9 information sufficient to form a belief as to the allegations of Paragraph 200, which Plaintiffs attribute to
10 unidentified “[s]urveys,” and, on that basis, deny those allegations.

11 201. Insofar as this allegation relates to claims that have been dismissed, no response is
12 required. To the extent that any response is deemed required, Defendants are without knowledge or
13 information sufficient to form a belief as to the allegations of Paragraph 201 and, on that basis, deny
14 those allegations.

15 202. Insofar as this allegation relates to claims that have been dismissed, no response is
16 required. To the extent that any response is deemed required, Defendants are without knowledge or
17 information sufficient to form a belief as to the allegations of Paragraph 202, which does not identify
18 how, by whom, or in what away the alleged cause and effect has been “tied” or “linked” and, on that
19 basis, deny those allegations.

20 203. Insofar as this allegation relates to claims that have been dismissed, no response is
21 required. To the extent that any response is deemed required, Defendants are without knowledge or
22 information sufficient to form a belief as to the allegations of Paragraph 203, which does not identify
23 how, by whom, or in what away the alleged consequences have been “directly linked” and, on that basis,
24 deny those allegations.

25 204. Insofar as this allegation relates to claims that have been dismissed, no response is
26 required. To the extent that any response is deemed required, Defendants are without knowledge or
27 information sufficient to form a belief as to the allegations of Paragraph 204, which does not identify by
28 whom or what NSAIDs are “often viewed,” and, on that basis, deny those allegations

1 205. Insofar as this allegation relates to claims that have been dismissed, no response is
2 required. To the extent that any response is deemed required, Defendants are without knowledge or
3 information sufficient to form a belief as to the allegations of Paragraph 205, which does not identify by
4 whom and in what way NSAIDs are “associated” with adverse health consequences, and, on that basis,
5 deny those allegations.

6 206. Insofar as this allegation relates to claims that have been dismissed, no response is
7 required. To the extent that any response is deemed required, Defendants are without knowledge or
8 information sufficient to form a belief as to the remaining allegations of Paragraph 206, most of which
9 are attributed to unidentified studies and reports and, on that basis, deny those allegations.

10 207. Insofar as this allegation relates to claims that have been dismissed, no response is
11 required. To the extent that any response is deemed required, Defendants are without knowledge or
12 information sufficient to form a belief as to the allegations of Paragraph 207, most of which are
13 attributed to unidentified medical journal articles and which purport to selectively quote one such
14 unidentified journal and, on that basis, deny those allegations.

15 208. Insofar as this allegation relates to claims that have been dismissed, no response is
16 required. To the extent that any response is deemed required, Defendants are without knowledge or
17 information sufficient to form a belief as to the allegations of the first sentence of Paragraph 208 and, on
18 that basis, deny those allegations. The second sentence of Paragraph 208 purports to selectively quote an
19 unidentified publication as to which no response is required. To the extent that any response is deemed
20 required, Defendants are without knowledge or information sufficient to form a belief as to the
21 allegations of the second sentence of Paragraph 208 and, on that basis, deny those allegations

22 209. Insofar as this allegation relates to claims that have been dismissed, no response is
23 required. To the extent that any response is deemed required, Defendants are without knowledge or
24 information sufficient to form a belief as to the allegations of the first sentence of Paragraph 209 and, on
25 that basis, deny those allegations. The second sentence of Paragraph 209 purports to selectively quote a
26 publication as to which no response is required. To the extent that any response is deemed required,
27 Defendants are without knowledge or information sufficient to form a belief as to the allegations of the
28 second sentence of Paragraph 209 and, on that basis, deny those allegations.

1 210. Insofar as this allegation relates to claims that have been dismissed, no response is
2 required. To the extent that any response is deemed required, Defendants are without knowledge or
3 information sufficient to form a belief as to the allegations of Paragraph 210, which are purportedly
4 based on unidentified studies, and, on that basis, deny those allegations.

5 211. Insofar as this allegation relates to claims that have been dismissed, no response is
6 required. To the extent that any response is deemed required, Defendants are without knowledge or
7 information sufficient to form a belief as to the allegations of the first sentence of Paragraph 211, which
8 does not identify by whom or in what way the alleged side effects have been "associated" with other
9 medical conditions and, on that basis, deny those allegations. The second sentence of Paragraph 211
10 purports to excerpt and selectively quote an unidentified medical report as to which no response is
11 required. To the extent that any response is deemed required, Defendants are without knowledge or
12 information sufficient to form a belief as to the allegations of this sentence and, on that basis, deny those
13 allegations.

14 212. Paragraph 212 relates only to allegations regarding claims that have been dismissed by
15 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
16 Defendants deny the allegations of the first sentence of Paragraph 212. Defendants are without
17 knowledge or information sufficient to form a belief as to the allegations of the second and third
18 sentences of Paragraph 212, which are attributed to an unidentified General Manager, and, on that basis,
19 deny those allegations.

20 213. Paragraph 213 relates only to allegations regarding claims that have been dismissed by
21 the Court. Paragraph 213 purports to quote a statement without identifying the source. Accordingly, no
22 response is required. To the extent that any response is deemed required, Defendants deny the
23 allegations of Paragraph 213.

24 214. Paragraph 214 relates only to allegations regarding claims that have been dismissed by
25 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
26 Defendants deny the allegations of Paragraph 214.

27 215. Paragraph 215 relates only to allegations regarding claims that have been dismissed by
28 the Court. Accordingly, no response is required. To the extent that any response is deemed required,

1 Defendants refer Plaintiffs to the identified document in its entirety and otherwise deny the allegations
2 of Paragraph 215.

3 216. Paragraph 216 relates only to allegations regarding claims that have been dismissed by
4 the Court. Paragraph 216 also consists of legal assertions. Accordingly, no response is required. To the
5 extent that any response is deemed required, Defendants refer Plaintiffs to the full transcript of
6 depositions in their entirety and otherwise deny the allegations of Paragraph 216.

7 217. Paragraph 217 relates only to allegations regarding claims that have been dismissed by
8 the Court. Accordingly, no response is required. Moreover, Plaintiffs purport to selectively quote from
9 an email exchange, which (in its full version) would speak for itself, such that no response is required.
10 To the extent that any response is deemed required, Defendants refer Plaintiffs to the identified
11 document in its entirety and otherwise deny the allegations of Paragraph 217.

12 218. Paragraph 218 relates only to allegations regarding claims that have been dismissed by
13 the Court. Accordingly, no response is required. Moreover, Plaintiffs purport to selectively quote from
14 an email exchange, which (in its full version) would speak for itself, such that no response is required.
15 To the extent that any response is deemed required, Defendants refer Plaintiffs to the identified
16 document in its entirety and otherwise deny the allegations of Paragraph 218.

17 219. Paragraph 219 relates only to allegations regarding claims that have been dismissed by
18 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
19 Defendants admit that a DEA agent spoke at an NFLPS meeting in 2011 and otherwise deny the
20 allegations of Paragraph 219.

21 220. Paragraph 220 relates only to allegations regarding claims that have been dismissed by
22 the Court. Paragraph 220 also asserts legal conclusions. Accordingly, no response is required. To the
23 extent that any response is deemed required, Defendants admit that Plaintiffs attach a document entitled
24 Exhibit F to their complaint and otherwise deny the allegations of Paragraph 220 and Exhibit F.

25 221. Paragraph 221 relates only to allegations regarding claims that have been dismissed by
26 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
27 Defendants deny the allegations of Paragraph 221.
28

1 222. Paragraph 222 relates only to allegations regarding claims that have been dismissed by
2 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
3 Defendants are without knowledge or information sufficient to form a belief as to the allegations of
4 Paragraph 222, which relate to an unidentified survey, and, on that basis, deny those allegations.

5 223. Paragraph 223 relates only to allegations regarding claims that have been dismissed by
6 the Court. Accordingly, no response is required. Moreover, Plaintiffs purport to selectively quote from
7 an letter, which (in its full version) would speak for itself, such that no response is required. To the
8 extent that any response is deemed required, Defendants refer Plaintiffs to the identified document in its
9 entirety and otherwise deny the allegations of Paragraph 223.

10 224. Paragraph 224 relates only to allegations regarding claims that have been dismissed by
11 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
12 Defendants admit that H.R. 3724 was introduced in Congress but not enacted, refer Plaintiffs to the
13 identified letter from Doctor Cooper in its entirety and otherwise deny the allegations of Paragraph 224.

14 225. Paragraph 225 relates only to allegations regarding claims that have been dismissed by
15 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
16 Defendants refer Plaintiffs to Dr. Yates' testimony in its entirety and otherwise deny the allegations of
17 Paragraph 225.

18 226. Paragraph 226 relates only to allegations regarding claims that have been dismissed by
19 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
20 Defendants refer Plaintiffs to the publication titled "Recommendations of the National Football League
21 Physician Society Task Force on the Use of Toradol Ketorolac in the National Football League," which
22 (in its entirety) speaks for itself and otherwise deny the allegations of Paragraph 226.

23 227. Paragraph 227 relates only to allegations regarding claims that have been dismissed by
24 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
25 Defendants refer Plaintiffs to the identified email (in its entirety) and otherwise deny the allegations of
26 Paragraph 227.

1 228. Paragraph 228 relates only to allegations regarding claims that have been dismissed by
2 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
3 Defendants deny the allegations of Paragraph 228.

4 229. Paragraph 229 relates only to allegations regarding claims that have been dismissed by
5 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
6 Defendants refer Plaintiffs to the publication titled “Ketorolac Use in the National Football League:
7 Prevalence, Efficacy, and Adverse Effects” in its entirety and otherwise deny the allegations of
8 Paragraph 229.

9 230. Paragraph 230 relates only to allegations regarding claims that have been dismissed by
10 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
11 Defendants refer Plaintiffs to the publication titled “Ketorolac Use in the National Football League:
12 Prevalence, Efficacy, and Adverse Effects” in its entirety and otherwise deny the allegations of
13 Paragraph 230.

14 231. Paragraph 231 relates only to allegations regarding claims that have been dismissed by
15 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
16 Defendants refer Plaintiffs to the publication titled “Ketorolac Use in the National Football League:
17 Prevalence, Efficacy, and Adverse Effects” in its entirety and otherwise deny the allegations of
18 Paragraph 231.

19 232. Paragraph 232 relates only to allegations regarding claims that have been dismissed by
20 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
21 Defendants refer Plaintiffs to the publication titled “Ketorolac Use in the National Football League:
22 Prevalence, Efficacy, and Adverse Effects” in its entirety and otherwise deny the allegations of
23 Paragraph 232.

24 233. Paragraph 233 relates only to allegations regarding claims that have been dismissed by
25 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
26 Defendants refer Plaintiffs to the publication titled “Ketorolac Use in the National Football League:
27 Prevalence, Efficacy, and Adverse Effects” in its entirety and otherwise deny the allegations of
28 Paragraph 233.

1 234. Paragraph 234 relates only to allegations regarding claims that have been dismissed by
2 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
3 Defendants refer Plaintiffs to the publication titled “Ketorolac Use in the National Football League:
4 Prevalence, Efficacy, and Adverse Effects” in its entirety and otherwise deny the allegations of
5 Paragraph 234.

6 235. Paragraph 235 relates only to allegations regarding claims that have been dismissed by
7 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
8 Defendants refer Plaintiffs to the referenced memorandum in its entirety and otherwise deny the
9 allegations of Paragraph 235.

10 236. Paragraph 236 relates only to allegations regarding claims that have been dismissed by
11 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
12 Defendants refer Plaintiffs to the referenced minutes in their entirety and otherwise deny the allegations
13 of Paragraph 236.

14 237. Paragraph 237 relates only to allegations regarding claims that have been dismissed by
15 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
16 Defendants refer Plaintiffs to the publication titled “Ketorolac Use in the National Football League:
17 Prevalence, Efficacy, and Adverse Effects” in its entirety and otherwise deny the allegations of
18 Paragraph 237.

19 238. Paragraph 238 relates only to allegations regarding claims that have been dismissed by
20 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
21 Defendants refer Plaintiffs to the publication titled “Ketorolac Use in the National Football League:
22 Prevalence, Efficacy, and Adverse Effects” in its entirety and otherwise deny the allegations of
23 Paragraph 238.

24 239. Paragraph 239 relates only to allegations regarding claims that have been dismissed by
25 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
26 Defendants refer Plaintiffs to the publication titled “Ketorolac Use in the National Football League:
27 Prevalence, Efficacy, and Adverse Effects” in its entirety and otherwise deny the allegations of
28 Paragraph 239.

1 240. Paragraph 240 relates only to allegations regarding claims that have been dismissed by
2 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
3 Defendants refer Plaintiffs to the referenced email in its entirety and otherwise deny the allegations of
4 Paragraph 240.

5 241. Paragraph 241 relates only to allegations regarding claims that have been dismissed by
6 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
7 Defendants refer Plaintiffs to the publication titled “Ketorolac Use in the National Football League:
8 Prevalence, Efficacy, and Adverse Effects” in its entirety and otherwise deny the allegations of
9 Paragraph 241.

10 242. Paragraph 242 relates only to allegations regarding claims that have been dismissed by
11 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
12 Defendants refer Plaintiffs to the publication titled “Ketorolac Use in the National Football League:
13 Prevalence, Efficacy, and Adverse Effects” in its entirety and otherwise deny the allegations of
14 Paragraph 242.

15 243. Paragraph 243 relates only to allegations regarding claims that have been dismissed by
16 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
17 Defendants refer Plaintiffs to the entirety of Dr. Yates’ testimony and otherwise deny the allegations of
18 Paragraph 243.

19 244. Paragraph 244 relates only to allegations regarding claims that have been dismissed by
20 the Court. Accordingly, no response is required. To the extent that any response is deemed required,
21 Defendants refer Plaintiffs to the entirety of Dr. Yates’ testimony and otherwise deny the allegations of
22 Paragraph 244.

23 245. Insofar as the allegations of Paragraph 245 pertain to claims that have been dismissed, no
24 response is required. To the extent that any response is deemed required, Defendants deny the
25 allegations of Paragraph 245.

26 246. Paragraph 246 relates only to claims that have been dismissed by the Court. Accordingly,
27 no response is required. To the extent that any response is deemed required, Defendants admit that the
28

1 players referenced in this Paragraph played for the Cardinals and otherwise deny the allegations of
2 Paragraph 246.

3 247. Paragraph 247 relates only to claims that have been dismissed by the Court. Accordingly,
4 no response is required. To the extent that any response is deemed required, Defendants admit that the
5 players referenced in this Paragraph played for the Falcons and otherwise deny the allegations of
6 Paragraph 247.

7 248. Paragraph 248 relates only to claims that have been dismissed by the Court. Accordingly,
8 no response is required. To the extent that any response is deemed required, Defendants admit that the
9 players referenced in this Paragraph played for the Ravens and otherwise deny the allegations of
10 Paragraph 248.

11 249. Paragraph 249 relates only to claims that have been dismissed by the Court. Accordingly,
12 no response is required. To the extent that any response is deemed required, Defendants admit that the
13 players referenced in this Paragraph played for the Bills and otherwise deny the allegations of Paragraph
14 249.

15 250. Paragraph 250 relates only to claims that have been dismissed by the Court. Accordingly,
16 no response is required. To the extent that any response is deemed required, Defendants admit that the
17 players referenced in this Paragraph played for the Panthers and otherwise deny the allegations of
18 Paragraph 250.

19 251. Paragraph 251 relates only to claims that have been dismissed by the Court. Accordingly,
20 no response is required. To the extent that any response is deemed required, Defendants admit that the
21 players referenced in this Paragraph played for the Bears and otherwise deny the allegations of
22 Paragraph 251.

23 252. Paragraph 252 relates only to claims that have been dismissed by the Court. Accordingly,
24 no response is required. To the extent that any response is deemed required, Defendants admit that the
25 players referenced in this Paragraph played for the Bengals and otherwise deny the allegations of
26 Paragraph 252.

27 253. Paragraph 253 relates only to claims that have been dismissed by the Court. Accordingly,
28 no response is required. To the extent that any response is deemed required, Defendants admit that the

1 players referenced in this Paragraph played for the team that was then known as the Browns (but which
2 today is known as the Ravens) and otherwise deny the allegations of Paragraph 253.

3 254. Paragraph 254 relates only to claims that have been dismissed by the Court. Accordingly,
4 no response is required. To the extent that any response is deemed required, Defendants admit that
5 Duriel Harris played for the Cowboys and otherwise deny the allegations of Paragraph 246.

6 255. Defendants admit that Alphonso Carreker played for the Broncos and otherwise deny the
7 allegations of Paragraph 255.

8 256. Paragraph 256 relates only to claims that have been dismissed by the Court. Accordingly,
9 no response is required. To the extent that any response is deemed required, Defendants admit that the
10 players referenced in this Paragraph played for the Lions and otherwise deny the allegations of
11 Paragraph 256.

12 257. Defendants admit that Alphonso Carreker played for the Packers and otherwise deny the
13 allegations of Paragraph 257.

14 258. Paragraph 258 relates only to claims that have been dismissed by the Court. Accordingly,
15 no response is required. To the extent that any response is deemed required, Defendants admit that
16 Cedric Killings played for the Texans and otherwise deny the allegations of Paragraph 258.

17 259. Paragraph 259 relates only to claims that have been dismissed by the Court. Accordingly,
18 no response is required. To the extent that any response is deemed required, Defendants admit that the
19 players referenced in this Paragraph played for the Colts and otherwise deny the allegations of
20 Paragraph 259.

21 260. Paragraph 260 relates only to claims that have been dismissed by the Court. Accordingly,
22 no response is required. To the extent that any response is deemed required, Defendants admit that
23 Robert Massey played for the Jaguars and otherwise deny the allegations of Paragraph 260.

24 261. Paragraph 261 relates only to claims that have been dismissed by the Court. Accordingly,
25 no response is required. To the extent that any response is deemed required, Defendants admit that the
26 players referenced in this Paragraph played for the Chiefs and otherwise deny the allegations of
27 Paragraph 261.

1 262. Paragraph 262 relates only to claims that have been dismissed by the Court. Accordingly,
2 no response is required. To the extent that any response is deemed required, Defendants admit that the
3 players referenced in this Paragraph played for the Rams and otherwise deny the allegations of
4 Paragraph 262.

5 263. Paragraph 263 relates only to claims that have been dismissed by the Court. Accordingly,
6 no response is required. To the extent that any response is deemed required, Defendants admit that
7 Duriel Harris played for the Dolphins and otherwise deny the allegations of Paragraph 263.

8
9 264. Paragraph 264 relates only to claims that have been dismissed by the Court. Accordingly,
10 no response is required. To the extent that any response is deemed required, Defendants admit that
11 Cedric Killings and Charles Evans played for the Vikings and otherwise deny the allegations of
12 Paragraph 246.

13 265. Paragraph 265 relates only to claims that have been dismissed by the Court. Accordingly,
14 no response is required. To the extent that any response is deemed required, Defendants admit that Steve
15 Lofton played for the Patriots and otherwise deny the allegations of Paragraph 265.

16 266. Paragraph 266 relates only to claims that have been dismissed by the Court. Accordingly,
17 no response is required. To the extent that any response is deemed required, Defendants admit that the
18 players referenced in this Paragraph played for the Saints and otherwise deny the allegations of
19 Paragraph 266.

20 267. Paragraph 267 relates only to claims that have been dismissed by the Court. Accordingly,
21 no response is required. To the extent that any response is deemed required, Defendants admit that the
22 players referenced in this Paragraph played for the Giants and otherwise deny the allegations of
23 Paragraph 267.

24 268. Paragraph 268 relates only to claims that have been dismissed by the Court. Accordingly,
25 no response is required. To the extent that any response is deemed required, Defendants admit that the
26 players referenced in this Paragraph played for the Jets and otherwise deny the allegations of Paragraph
27 268.

1 269. Paragraph 269 relates only to claims that have been dismissed by the Court. Accordingly,
2 no response is required. To the extent that any response is deemed required, Defendants admit that
3 Darryl Ashmore played for the Raiders and otherwise deny the allegations of Paragraph 269.

4 270. Paragraph 270 relates only to claims that have been dismissed by the Court. Accordingly,
5 no response is required. To the extent that any response is deemed required, Defendants admit that the
6 players referenced in this Paragraph played for the Eagles and otherwise deny the allegations of
7 Paragraph 270.

8 271. Paragraph 271 relates only to claims that have been dismissed by the Court. Accordingly,
9 no response is required. To the extent that any response is deemed required, Defendants admit that the
10 players referenced in this Paragraph played for the Steelers and otherwise deny the allegations of
11 Paragraph 271.

12 272. Defendants admit that Reggie Walker played for the Chargers in the 2014 season, that he
13 sprained his ankle in a game against the Bills on September 21, 2014, that he did not play in the next
14 three games, that he did play in the October 19 game against Kansas City, the October 23 game against
15 Denver, and the November 2 game against Miami, that he did not play in the two games following the
16 bye, and that he then played in the remaining games of the season and otherwise deny the allegations of
17 the first paragraph of Paragraph 272. The second paragraph of Paragraph 272 relates only to claims that
18 have been dismissed by the Court. Accordingly, no response is required. To the extent that any response
19 to this paragraph of Paragraph 272 is deemed required, Defendants admit that Jeff Graham played for
20 the Chargers and otherwise deny the allegations of the second paragraph of Paragraph 272.

21 273. Paragraph 273 relates only to claims that have been dismissed by the Court. Accordingly,
22 no response is required. To the extent that any response is deemed required, Defendants admit that the
23 players referenced in this Paragraph played for the 49ers and otherwise deny the allegations of
24 Paragraph 273.

25 274. Paragraph 274 relates only to claims that have been dismissed by the Court. Accordingly,
26 no response is required. To the extent that any response is deemed required, Defendants admit that Jerry
27 Wunsch played for the Seahawks and otherwise deny the allegations of Paragraph 274.
28

1 275. Paragraph 275 relates only to claims that have been dismissed by the Court. Accordingly,
2 no response is required. To the extent that any response is deemed required, Defendants admit that Jerry
3 Wunsch played for the Buccaneers and otherwise deny the allegations of Paragraph 275.

4 276. Paragraph 276 relates only to claims that have been dismissed by the Court. Accordingly,
5 no response is required. To the extent that any response is deemed required, Defendants admit that Eric
6 King played for the Titans and otherwise deny the allegations of Paragraph 246.

7 277. Paragraph 277 relates only to claims that have been dismissed by the Court. Accordingly,
8 no response is required. To the extent that any response is deemed required, Defendants admit that the
9 players referenced in this Paragraph played for the Redskins and otherwise deny the allegations of
10 Paragraph 277.

11 278. Paragraph 278 relates only to claims that have been dismissed by the Court. Accordingly,
12 no response is required. To the extent that any response is deemed required, Defendants deny the
13 allegations of Paragraph 278.

14 279. Paragraph 279 relates only to claims that have been dismissed by the Court. Accordingly,
15 no response is required. To the extent that any response is deemed required, Defendants deny the
16 allegations of Paragraph 279.

17 280. Paragraph 280 relates only to claims that have been dismissed by the Court. Accordingly,
18 no response is required. To the extent that any response is deemed required, Defendants refer Plaintiffs
19 to the identified email in its entirety and otherwise deny the allegations of Paragraph 280.

20 281. Paragraph 281 relates only to claims that have been dismissed by the Court. Accordingly,
21 no response is required. To the extent that any response is deemed required, Defendants refer Plaintiffs
22 to the identified email in its entirety and otherwise deny the allegations of Paragraph 281.

23 282. Paragraph 282 relates only to claims that have been dismissed by the Court. Accordingly,
24 no response is required. To the extent that a response is required, Defendants deny the allegations of the
25 first sentence of Paragraph 282, refer Plaintiffs to the referenced email in its entirety, and otherwise deny
26 the allegations of Paragraph 282.

1 283. Paragraph 283 relates only to claims that have been dismissed by the Court. Accordingly,
2 no response is required. To the extent that any response is deemed required, Defendants refer Plaintiffs
3 to the identified emails in their entirety and otherwise deny the allegations of Paragraph 283.

4 284. Paragraph 284 relates only to claims that have been dismissed by the Court. Accordingly,
5 no response is required. To the extent that any response is deemed required, Defendants refer Plaintiffs
6 to the referenced publication in its entirety and otherwise deny the allegations of Paragraph 284.

7 285. Paragraph 285 relates only to claims that have been dismissed by the Court. Accordingly,
8 no response is required. To the extent that any response is deemed required, Defendants refer Plaintiffs
9 to the referenced publication in its entirety and otherwise deny the allegations of Paragraph 285.

10 286. Paragraph 286 relates only to claims that have been dismissed by the Court. Accordingly,
11 no response is required. To the extent that any response is deemed required, Defendants refer Plaintiffs
12 to the referenced document in its entirety and otherwise deny the allegations of Paragraph 286.

13 287. Paragraph 287 relates only to claims that have been dismissed by the Court. Accordingly,
14 no response is required. To the extent that any response is deemed required, Defendants refer Plaintiffs
15 to the referenced testimony in its entirety and otherwise deny the allegations of Paragraph 287.

16 288. Paragraph 288 relates only to claims that have been dismissed by the Court. Accordingly,
17 no response is required. To the extent that any response is deemed required, Defendants deny the
18 allegations of Paragraph 288.

19 289. Defendants incorporate by reference their responses to all allegations contained in the
20 paragraphs above, as if set forth fully herein.

21 290. Insofar as Paragraph 290 relates to claims that have been dismissed by the Court, no
22 response is required. Moreover, Paragraph 290 contains Plaintiffs' purported class definition, to which
23 no response is required. To the extent that any response is deemed required, Defendants deny the
24 allegations of Paragraph 290 and deny that this action is maintainable as a class action.

25 291. Insofar as Paragraph 291 relates to claims that have been dismissed by the Court, no
26 response is required. Moreover, Paragraph 291 constitutes legal assertions to which no response is
27 required. To the extent that any response is deemed required, Defendants deny the allegations of the first
28 sentence of Paragraph 291 and deny that this action is maintainable as a class action. As to the second

1 sentence of Paragraph 291, Defendants and are without knowledge or information sufficient to form a
2 belief as to the number of retired players who have signed Retention Agreements with Plaintiffs'
3 counsel and, on that basis, deny that allegation and otherwise deny the remaining allegations of
4 Paragraph 291.

5 292. Insofar as Paragraph 292 relates to claims that have been dismissed by the Court, no
6 response is required. Moreover, Paragraph 292 constitutes legal assertions to which no response is
7 required. To the extent that any response is deemed required, Defendants deny the allegations of
8 Paragraph 292 and deny that this action is maintainable as a class action.

9 293. Insofar as Paragraph 293 relates to claims that have been dismissed by the Court, no
10 response is required. Moreover, Paragraph 293 constitutes legal assertions to which no response is
11 required. To the extent that any response is deemed required, Defendants deny the allegations of
12 Paragraph 293 and deny that this action is maintainable as a class action.

13 294. Insofar as Paragraph 294 relates to claims that have been dismissed by the Court, no
14 response is required. Moreover, Paragraph 294 constitutes legal assertions to which no response is
15 required. To the extent that any response is deemed required, Defendants deny the allegations of
16 Paragraph 294 and deny that this action is maintainable as a class action.

17 295. Insofar as Paragraph 295 relates to claims that have been dismissed by the Court, no
18 response is required. Moreover, Paragraph 295 constitutes legal assertions to which no response is
19 required. To the extent that any response is deemed required, Defendants deny the allegations of
20 Paragraph 295 and deny that this action is maintainable as a class action.

21 296. Insofar as Paragraph 296 relates to claims that have been dismissed by the Court, no
22 response is required. Moreover, Paragraph 296 constitutes legal assertions to which no response is
23 required. To the extent that any response is deemed required, Defendants deny the allegations of
24 Paragraph 296 and deny that this action is maintainable as a class action.

25 297. Insofar as Paragraph 297 relates to claims that have been dismissed by the Court, no
26 response is required. Moreover, Paragraph 297 constitutes legal assertions to which no response is
27 required. To the extent that any response is deemed required, Defendants deny the allegations of
28 Paragraph 297 and deny that this action is maintainable as a class action.

1 298. Insofar as Paragraph 298 relates to claims that have been dismissed by the Court, no
2 response is required. Moreover, Paragraph 298 constitutes legal assertions to which no response is
3 required. To the extent that any response is deemed required, Defendants deny the allegations of
4 Paragraph 298 and deny that this action is maintainable as a class action.

5 299. Insofar as Paragraph 299 relates to claims that have been dismissed by the Court, no
6 response is required. Moreover, Paragraph 299 constitutes legal assertions to which no response is
7 required. To the extent that any response is deemed required, Defendants deny the allegations of
8 Paragraph 299 and deny that this action is maintainable as a class action.

9 300. Insofar as Paragraph 300 relates to claims that have been dismissed by the Court, no
10 response is required. Moreover, Paragraph 300 constitutes legal assertions to which no response is
11 required. To the extent that any response is deemed required, Defendants deny the allegations of
12 Paragraph 300 and deny that this action is maintainable as a class action.

13 301. Defendants incorporate by reference their responses to all allegations contained in the
14 paragraphs above, as if fully set forth herein.

15 302. Insofar as Paragraph 302 relates to claims that have been dismissed by the Court, no
16 response is required. To the extent that any response is deemed required, Defendants deny the
17 allegations of Paragraph 302.

18 303. Insofar as Paragraph 303 relates to claims that have been dismissed by the Court, no
19 response is required. To the extent that any response is deemed required, Defendants deny the
20 allegations of Paragraph 303.

21 304. Insofar as Paragraph 304 relates to claims that have been dismissed by the Court, no
22 response is required. To the extent that any response is deemed required, Defendants deny the
23 allegations of Paragraph 304.

24 305. Insofar as Paragraph 305 relates to claims that have been dismissed by the Court, no
25 response is required. To the extent that any response is deemed required, Defendants deny the
26 allegations of Paragraph 305.

1 306. Insofar as Paragraph 306 relates to claims that have been dismissed by the Court, no
2 response is required. To the extent that any response is deemed required, Defendants deny the
3 allegations of Paragraph 306.

4 307. Insofar as Paragraph 307 relates to claims that have been dismissed by the Court, no
5 response is required. To the extent that any response is deemed required, Defendants deny the
6 allegations of Paragraph 307.

7 308. Insofar as Paragraph 308 relates to claims that have been dismissed by the Court, no
8 response is required. To the extent that any response is deemed required, Defendants deny the
9 allegations of Paragraph 308.

10 309. Insofar as Paragraph 309 relates to claims that have been dismissed by the Court, no
11 response is required. To the extent that any response is deemed required, Defendants deny the
12 allegations of Paragraph 309.

13 310. Insofar as Paragraph 310 relates to claims that have been dismissed by the Court, no
14 response is required. To the extent that any response is deemed required, Defendants deny the
15 allegations of Paragraph 310.

16 311. Insofar as Paragraph 311 relates to claims that have been dismissed by the Court, no
17 response is required. To the extent that any response is deemed required, Defendants deny the
18 allegations of Paragraph 311.

19 312. Insofar as Paragraph 312 relates to claims that have been dismissed by the Court, no
20 response is required. To the extent that any response is deemed required, Defendants deny the
21 allegations of Paragraph 312.

22 313. Insofar as Paragraph 313 relates to claims that have been dismissed by the Court, no
23 response is required. To the extent that any response is deemed required, Defendants deny the
24 allegations of Paragraph 313.

25 314. Insofar as Paragraph 314 relates to claims that have been dismissed by the Court, no
26 response is required. To the extent that any response is deemed required, Defendants deny the
27 allegations of Paragraph 314.
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1 315. Insofar as Paragraph 315 relates to claims that have been dismissed by the Court, no
2 response is required. To the extent that any response is deemed required, Defendants deny the
3 allegations of Paragraph 315.

4 316. Insofar as Paragraph 316 relates to claims that have been dismissed by the Court, no
5 response is required. To the extent that any response is deemed required, Defendants deny the
6 allegations of Paragraph 316.

7 317. Insofar as Paragraph 317 relates to claims that have been dismissed by the Court, no
8 response is required. To the extent that any response is deemed required, Defendants deny the
9 allegations of Paragraph 317.

10 318. Insofar as Paragraph 318 relates to claims that have been dismissed by the Court, no
11 response is required. To the extent that any response is deemed required, Defendants deny the
12 allegations of Paragraph 318.

13 319. Insofar as Paragraph 319 relates to claims that have been dismissed by the Court, no
14 response is required. To the extent that any response is deemed required, Defendants deny the
15 allegations of Paragraph 319.

16 320. Insofar as Paragraph 320 relates to claims that have been dismissed by the Court, no
17 response is required. To the extent that any response is deemed required, Defendants deny the
18 allegations of Paragraph 320.

19 321. Insofar as Paragraph 321 relates to claims that have been dismissed by the Court, no
20 response is required. To the extent that any response is deemed required, Defendants deny the
21 allegations of Paragraph 321.

22 322. Insofar as Paragraph 322 relates to claims that have been dismissed by the Court, no
23 response is required. To the extent that any response is deemed required, Defendants deny the
24 allegations of Paragraph 322.

25 323. Insofar as Paragraph 323 relates to claims that have been dismissed by the Court, no
26 response is required. To the extent that any response is deemed required, Defendants deny the
27 allegations of Paragraph 323.

1 324. Insofar as Paragraph 324 relates to claims that have been dismissed by the Court, no
2 response is required. To the extent that any response is deemed required, Defendants deny the
3 allegations of Paragraph 324.

4 325. Insofar as Paragraph 325 relates to claims that have been dismissed by the Court, no
5 response is required. To the extent that any response is deemed required, Defendants deny the
6 allegations of Paragraph 325.

7 326. Insofar as Paragraph 326 relates to claims that have been dismissed by the Court, no
8 response is required. To the extent that any response is deemed required, Defendants deny the
9 allegations of Paragraph 326.

10 327. Insofar as Paragraph 327 relates to claims that have been dismissed by the Court, no
11 response is required. To the extent that any response is deemed required, Defendants deny the
12 allegations of Paragraph 327.

13 328. Insofar as Paragraph 328 relates to claims that have been dismissed by the Court, no
14 response is required. To the extent that any response is deemed required, Defendants deny the
15 allegations of Paragraph 328.

16 329. Insofar as Paragraph 329 relates to claims that have been dismissed by the Court, no
17 response is required. To the extent that any response is deemed required, Defendants deny the
18 allegations of Paragraph 329.

19 330. Insofar as Paragraph 330 relates to claims that have been dismissed by the Court, no
20 response is required. To the extent that any response is deemed required, Defendants deny the
21 allegations of Paragraph 330.

22 331. Insofar as Paragraph 331 relates to claims that have been dismissed by the Court, no
23 response is required. To the extent that any response is deemed required, Defendants deny the
24 allegations of Paragraph 331.

25 332. Insofar as Paragraph 332 relates to claims that have been dismissed by the Court, no
26 response is required. To the extent that any response is deemed required, Defendants deny the
27 allegations of Paragraph 332.

1 333. Insofar as Paragraph 333 relates to claims that have been dismissed by the Court, no
2 response is required. To the extent that any response is deemed required, Defendants deny the
3 allegations of Paragraph 333.

4 334. Insofar as Paragraph 334 relates to claims that have been dismissed by the Court, no
5 response is required. To the extent that any response is deemed required, Defendants deny the
6 allegations of Paragraph 334.

7 335. Insofar as Paragraph 335 relates to claims that have been dismissed by the Court, no
8 response is required. To the extent that any response is deemed required, Defendants deny the
9 allegations of Paragraph 335.

10 336. Insofar as Paragraph 336 relates to claims that have been dismissed by the Court, no
11 response is required. To the extent that any response is deemed required, Defendants deny the
12 allegations of Paragraph 336.

13 337. Insofar as Paragraph 337 relates to claims that have been dismissed by the Court, no
14 response is required. To the extent that any response is deemed required, Defendants deny the
15 allegations of Paragraph 337.

16 338. Insofar as Paragraph 312 relates to claims that have been dismissed by the Court, no
17 response is required. To the extent that any response is deemed required, Defendants deny the
18 allegations of Paragraph 338.

19 339. Paragraph 339 relates only to claims that have been dismissed by the Court. Accordingly,
20 no response is required. To the extent that any response is deemed required, Defendants incorporate by
21 reference their responses to all allegations contained in the paragraphs above, as if fully set forth herein.

22 340. Paragraph 340 relates only to claims that have been dismissed by the Court. Accordingly,
23 no response is required. To the extent that any response is deemed required, Defendants deny the
24 allegations of Paragraph 340.

25 341. Paragraph 341 relates only to claims that have been dismissed by the Court. Accordingly,
26 no response is required. To the extent that any response is deemed required, Defendants deny the
27 allegations of Paragraph 341.

1 342. Paragraph 342 relates only to claims that have been dismissed by the Court. Accordingly,
2 no response is required. To the extent that any response is deemed required, Defendants deny the
3 allegations of Paragraph 342.

4 343. Paragraph 343 relates only to claims that have been dismissed by the Court. Accordingly,
5 no response is required. To the extent that any response is deemed required, Defendants deny the
6 allegations of Paragraph 343.

7 344. Paragraph 344 relates only to claims that have been dismissed by the Court. Accordingly,
8 no response is required. To the extent that any response is deemed required, Defendants deny the
9 allegations of Paragraph 344.

10 345. Paragraph 345 relates only to claims that have been dismissed by the Court. Accordingly,
11 no response is required. To the extent that any response is deemed required, Defendants deny the
12 allegations of Paragraph 345.

13 346. Paragraph 346 relates only to claims that have been dismissed by the Court. Accordingly,
14 no response is required. To the extent that any response is deemed required, Defendants deny the
15 allegations of Paragraph 346.

16 347. Paragraph 347 relates only to claims that have been dismissed by the Court. Accordingly,
17 no response is required. To the extent that any response is deemed required, Defendants deny the
18 allegations of Paragraph 347.

19 348. Paragraph 348 relates only to claims that have been dismissed by the Court. Accordingly,
20 no response is required. To the extent that any response is deemed required, Defendants deny the
21 allegations of Paragraph 348.

22 349. Paragraph 349 relates only to claims that have been dismissed by the Court. Accordingly,
23 no response is required. To the extent that any response is deemed required, Defendants deny the
24 allegations of Paragraph 349.

25 350. Paragraph 350 relates only to claims that have been dismissed by the Court. Accordingly,
26 no response is required. To the extent that any response is deemed required, Defendants deny the
27 allegations of Paragraph 350.

1 351. Paragraph 351 relates only to claims that have been dismissed by the Court. Accordingly,
2 no response is required. To the extent that any response is deemed required, Defendants deny the
3 allegations of Paragraph 351.

4 352. Paragraph 352 relates only to claims that have been dismissed by the Court. Accordingly,
5 no response is required. To the extent that any response is deemed required, Defendants deny the
6 allegations of Paragraph 352.

7 353. Paragraph 353 relates only to claims that have been dismissed by the Court. Accordingly,
8 no response is required. To the extent that any response is deemed required, Defendants deny the
9 allegations of Paragraph 353.

10 354. Paragraph 354 relates only to claims that have been dismissed by the Court. Accordingly,
11 no response is required. To the extent that any response is deemed required, Defendants deny the
12 allegations of Paragraph 354.

13 355. Paragraph 355 relates only to claims that have been dismissed by the Court. Accordingly,
14 no response is required. To the extent that any response is deemed required, Defendants deny the
15 allegations of Paragraph 355.

16 356. Paragraph 356 relates only to claims that have been dismissed by the Court. Accordingly,
17 no response is required. To the extent that any response is deemed required, Defendants deny the
18 allegations of Paragraph 356.

19 357. Paragraph 357 relates only to claims that have been dismissed by the Court. Accordingly,
20 no response is required. To the extent that any response is deemed required, Defendants deny the
21 allegations of Paragraph 357.

22 358. Paragraph 358 relates only to claims that have been dismissed by the Court. Accordingly,
23 no response is required. To the extent that any response is deemed required, Defendants deny the
24 allegations of Paragraph 358.

25 359. Paragraph 359 relates only to claims that have been dismissed by the Court. Accordingly,
26 no response is required. To the extent that any response is deemed required, Defendants deny the
27 allegations of Paragraph 359.

1 360. Paragraph 360 relates only to claims that have been dismissed by the Court. Accordingly,
2 no response is required. To the extent that any response is deemed required, Defendants deny the
3 allegations of Paragraph 360.

4 361. Paragraph 361 relates only to claims that have been dismissed by the Court. Accordingly,
5 no response is required. To the extent that any response is deemed required, Defendants deny the
6 allegations of Paragraph 361.

7 362. Paragraph 362 relates only to claims that have been dismissed by the Court. Accordingly,
8 no response is required. To the extent that any response is deemed required, Defendants deny the
9 allegations of Paragraph 362.

10 363. Paragraph 363 relates only to claims that have been dismissed by the Court. Accordingly,
11 no response is required. To the extent that any response is deemed required, Defendants deny the
12 allegations of Paragraph 363.

13 364. Paragraph 364 relates only to claims that have been dismissed by the Court. Accordingly,
14 no response is required. To the extent that any response is deemed required, Defendants deny the
15 allegations of Paragraph 364.

16 365. Paragraph 365 relates only to claims that have been dismissed by the Court. Accordingly,
17 no response is required. To the extent that any response is deemed required, Defendants deny the
18 allegations of Paragraph 365.

19 366. Paragraph 366 relates only to claims that have been dismissed by the Court. Accordingly,
20 no response is required. To the extent that any response is deemed required, Defendants deny the
21 allegations of Paragraph 366.

22 367. Paragraph 367 relates only to claims that have been dismissed by the Court. Accordingly,
23 no response is required. To the extent that any response is deemed required, Defendants deny the
24 allegations of Paragraph 367.

25 368. Paragraph 368 relates only to claims that have been dismissed by the Court. Accordingly,
26 no response is required. To the extent that any response is deemed required, Defendants deny the
27 allegations of Paragraph 368.
28

1 369. Paragraph 369 relates only to claims that have been dismissed by the Court. Accordingly,
2 no response is required. To the extent that any response is deemed required, Defendants deny the
3 allegations of Paragraph 369.

4 370. Paragraph 370 relates only to claims that have been dismissed by the Court. Accordingly,
5 no response is required. To the extent that any response is deemed required, Defendants deny the
6 allegations of Paragraph 370.

7 371. Paragraph 371 relates only to claims that have been dismissed by the Court. Accordingly,
8 no response is required. To the extent that any response is deemed required, Defendants deny the
9 allegations of Paragraph 371.

10 372. Paragraph 372 relates only to claims that have been dismissed by the Court. Accordingly,
11 no response is required. To the extent that any response is deemed required, Defendants deny the
12 allegations of Paragraph 372.

13 373. Paragraph 373 relates only to claims that have been dismissed by the Court. Accordingly,
14 no response is required. To the extent that any response is deemed required, Defendants deny the
15 allegations of Paragraph 373.

16 374. Paragraph 374 relates only to claims that have been dismissed by the Court. Accordingly,
17 no response is required. To the extent that any response is deemed required, Defendants deny the
18 allegations of Paragraph 374.

19 375. Paragraph 375 relates only to claims that have been dismissed by the Court. Accordingly,
20 no response is required. To the extent that any response is deemed required, Defendants deny the
21 allegations of Paragraph 375.

22 Defendants deny that Plaintiffs are entitled to any relief claimed in their Prayer for Relief, and
23 further deny that Plaintiffs have suffered any injury or incurred any damages by any act or omission of
24 the Defendants as alleged in the Complaint and further deny that Plaintiffs are entitled to any relief
25 under any theory based upon any of the allegations set forth in the Complaint.

26 Defendants further deny all allegations of the Complaint (including all headings, subheadings,
27 footnotes, and exhibits) not specifically and expressly admitted above. For the avoidance of doubt,
28 wherever the Second Amended Complaint purports to interpret, paraphrase, excerpt, alter, or add to the

1 content of any document or testimony, such allegations are further denied on the basis that such
2 documents or testimony should be considered in their entirety.

3 **SEPARATE AND AFFIRMATIVE DEFENSES**

4 Defendants assert the following defenses to Plaintiffs' alleged causes of action. Insofar as any of
5 the following expresses denial of an element of any claim alleged against the Defendants, such
6 expression does not indicate that Plaintiffs are relieved of their burden to prove each and every element
7 of any such claim.

8 Plaintiffs' claims do not describe the events or legal theories with sufficient particularity to
9 permit Defendants definitively to ascertain what other defenses may exist. Defendants therefore reserve
10 the right to amend their Answer to assert additional defenses and/or supplement, alter, or change their
11 Answer and/or defenses upon the discovery of more definitive facts upon the completion of their
12 investigation and discovery.

13 Defendants have not knowingly or intentionally waived any applicable defenses and explicitly
14 reserve the right to assert and rely on such other applicable defenses as may become available or
15 apparent during discovery proceedings. Defendants further reserve the right to amend their Answer
16 and/or their defenses, and/or to delete defenses that they determine are not applicable during the course
17 of subsequent discovery.

18 **FIRST ADDITIONAL OR AFFIRMATIVE DEFENSE**

19 The claims of plaintiffs and putative class members claims are preempted by Section 301 of the
20 Labor-Management Relations Act, 29 U.S.C. § 185.

21 **SECOND ADDITIONAL OR AFFIRMATIVE DEFENSE**

22 The claims of plaintiffs and putative class members are committed to arbitration.

23 **THIRD ADDITIONAL OR AFFIRMATIVE DEFENSE**

24 The claims of plaintiffs and putative class members are time-barred by the applicable statute of
25 limitations.

26 **FOURTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

27 The claims of plaintiffs and putative class members are barred by the exclusive remedies
28 afforded by workers' compensation laws.

1 **FIFTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

2 The claims of plaintiffs and putative class members are preempted by the federal Food, Drug and
3 Cosmetic and Controlled Substances Acts.

4 **SIXTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

5 The claims of plaintiffs and putative class members are barred, in whole or in part, by the
6 doctrine of unclean hands.

7 **SEVENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

8 The claims of plaintiffs and putative class members are barred, in whole or in part, by res
9 judicata and/or collateral estoppel.

10 **EIGHTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

11 The claims of plaintiffs and putative class members are barred, in whole or in part, by release,
12 waiver, and/or accord and satisfaction.

13 **NINTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

14 The claims of plaintiffs and putative class members are barred, in whole or in part, by their
15 acquiescence and/or confirmation of any and all conduct and/or omissions alleged as to the Defendants.

16 **TENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

17 The claims of plaintiffs and putative class members are barred, in whole or in part, due to the
18 absence of any injury or damage for which the Defendants' actions, conduct, or omissions were the legal
19 cause.

20 **ELEVENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

21 The claims of plaintiffs and putative class members for injunctive relief are barred because
22 Plaintiffs and/or putative class members have available an adequate remedy at law.

23 **TWELFTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

24 The claims of plaintiffs and putative class members are barred to the extent they are based on
25 alleged acts, conduct, or statements that are specifically permitted by law.

26 **THIRTEENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

27 The claims of plaintiffs and putative class members are barred, in whole or in part, by the
28 doctrine of assumption of risk.

1 **FOURTEENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

2 The claims of plaintiffs and putative class members are barred, in whole or in part, because the
3 remedies sought are unconstitutional, contrary to public policy, otherwise unauthorized, or not
4 recognized by applicable state law.

5 **FIFTEENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

6 The claims of plaintiffs and putative class members are barred, in whole or in part, by the
7 doctrine of estoppel.

8 **SIXTEENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

9 The claims of plaintiffs and putative class members are barred, in whole or in part, by the
10 doctrines of comparative fault or comparative negligence or equivalent doctrines recognized or
11 established by applicable law.

12 **SEVENTEENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

13 The claims of plaintiffs and putative class members are barred, in whole or in part, by failure to
14 mitigate damages.

15 **EIGHTEENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

16 The claims of plaintiffs and putative class members are barred, in whole or in part, by laches.

17 **NINETEENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

18 The claims of plaintiffs and putative class members are barred, in whole or in part, by failure to
19 join necessary parties.

20 **TWENTIETH ADDITIONAL OR AFFIRMATIVE DEFENSE**

21 The claims of plaintiffs and putative class members are barred, in whole or in part, by their
22 impermissible splitting of their purported causes of action.

23 **TWENTY-FIRST ADDITIONAL OR AFFIRMATIVE DEFENSE**

24 The claims of plaintiffs and putative class members are barred, in whole or in part, by the statute
25 of frauds.

26 **TWENTY-SECOND ADDITIONAL OR AFFIRMATIVE DEFENSE**

27 The claims of plaintiffs and putative class members are barred, in whole or in part, by the
28 doctrine of injury by fellow servant.

1 **TWENTY-THIRD ADDITIONAL OR AFFIRMATIVE DEFENSE**

2 The claims of plaintiffs and putative class members fail to state a claim upon which relief can be
3 granted.

4 **JURY DEMAND**

5 Defendants demand trial by jury.

6 * * *

7 WHEREFORE, the Defendants respectfully request that the Court:

- 8 a) Dismiss the action with prejudice;
9 b) Enter judgment in favor of Defendants and against Plaintiffs on
10 each and every cause of action set forth in the Complaint;
11 c) Award the Defendants their costs and attorneys' fees; and
12 d) Grant such other relief as the Court deems appropriate.

13 May 30, 2017

Respectfully submitted,

14 COVINGTON & BURLING LLP

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